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REPORT NUMBER 6

STATE DOCUMENTS

Montana Constitutional Convention Studies

MONTANA CONSTITUTIONAL CONVENTION · 1971 - 1972 ·
OF THE PEOPLE
BY THE PEOPLE
FOR THE PEOPLE

New State Constitutions

Prepared By:
Montana Constitutional Convention Commission

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MONTANA CONSTITUTIONAL CONVENTION

1971-1972

NEW STATE CONSTITUTIONS

CONSTITUTIONAL CONVENTION STUDIES NO. 6

Prepared by

MONTANA CONSTITUTIONAL CONVENTION COMMISSION

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PREFACE

The delegates to the 1971-1972 Montana Constitutional Convention will need historical, legal and comparative information about the Montana Constitution in addition to information on the organization and operation of constitutional conventions. Recognizing this need, the 1971 Legislative Assembly created the Constitutional Convention Commission and directed it to prepare and assemble essential information for the Convention. To fulfill this responsibility, the Constitutional Convention Commission is preparing a series of research reports.

In addition to the series of research reports, the Commission has authorized the reprinting of certain documents for the use of Convention delegates. This report republishes 5 of the 12 new state constitutions that have been adopted since 1945, and 2 of the 7 constitutions that have been rejected when submitted to the voters and a summary of constitutions proposed by constitutional study commissions.

CONSTITUTIONS ADOPTED BY THE PEOPLE SINCE 1945

Alaska
Connecticut
Florida
Georgia
Hawaii
Illinois
Virginia
Missouri
New Hampshire
New Jersey
Pennsylvania
Puerto Rico
Michigan

CONSTITUTIONS PROPOSED TO PEOPLE, BUT NOT ADOPTED

Arkansas
Idaho
Maryland
New Mexico
New York
Oregon
Rhode Island

The Constitutional Convention Library, which is being assembled by the Constitutional Convention Commission, will contain the constitutions of all 50 states in addition to a voluminous collection of official and non-official studies of state constitutions and constitutional problems. Many studies contain proposed constitutions.

The Commission is publishing this collection of recent state constitutions so they are readily available to all delegates and interested citizens. These constitutions represent the product of both constitutional conventions and constitutional study commissions. Most were adopted by the vote of the people; two were rejected; some represent major governmental modernization, others minor adjustment of the prior constitution; all reflect the attempts of sister states to fashion state constitutions for the last half of the twentieth century.

Montana has its own particular set of problems and a distinctive political environment. Nevertheless, every state engaged in writing a new constitution or revising an old one can profit not only from its own experience, but also from the experience of others.

This report is respectfully submitted to the people of Montana and their delegates to the 1971-1972 Constitutional Convention.

ALEXANDER BLEWETT

CHAIRMAN

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The Constitution of Montana ought to surpass that of any of the sister States. We have thirty-eight models from which to extract wisdom. One hundred years of experience in observing the operation of laws made by the people and for the people will come to our aid, and ought to produce an organic law sufficient and ample to protect all our rights, and give scope and range to the enterprise, intelligence and energy of the people.

Advice to the 1884 Montana
Constitutional Convention
by Decius Wade, Chief Justice
of the Montana Territory
Supreme Court

CHAPTER I

RECENT CONSTITUTIONS ADOPTED BY THE PEOPLE

THE

CONSTITUTION

of the

STATE OF ALASKA

PREAMBLE

We the people of Alaska, grateful to God and to those who founded our nation and pioneered this great land, in order to secure and transmit to succeeding generations our heritage of political, civil, and religious liberty within the Union of States, do ordain and establish this constitution for the State of Alaska.

The Constitution of the State of Alaska

ARTICLE I

DECLARATION OF RIGHTS

Inherent Rights

SECTION 1. This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the State.

Source of Government

SECTION 2. All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole.

Civil Rights

SECTION 3. No person is to be denied the enjoyment of any civil or political right because of race, color, creed, or national origin. The legislature shall implement this section.

Freedom of Religion

SECTION 4. No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof.

Freedom of Speech

SECTION 5. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.

Assembly; Petition

SECTION 6. The right of the people peaceably to assemble, and to petition the government shall never be abridged.

Due Process

SECTION 7. No person shall be deprived of life, liberty, or property, without due process of law. The right of all persons to fair and just treatment in the course of legislative and executive investigations shall not be infringed.

Grand Jury

SECTION 8. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the armed forces in time of war or public danger. Indictment may be waived by the accused. In that case the prosecution shall be by information. The grand jury shall consist of at least twelve citizens, a majority of whom concurring may return an indictment. The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended.

Jeopardy and Self-Incrimination

SECTION 9. No person shall be put in jeopardy twice for the same offense. No person shall be compelled in any criminal proceeding to be a witness against himself.

Treason

SECTION 10. Treason against the State consists only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Rights of Accused

SECTION 11. In all criminal prosecutions, the accused shall have the right to a speedy and public trial, by an impartial jury of twelve; except that the legislature may provide for a jury of not more than twelve nor less than six in courts not of record. The accused is entitled to be informed of the nature and cause of the accusation; to be released on bail, except for capitol offenses when the proof is evident or the presumption great; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Excessive Punishment

SECTION 12. Excessive bail shall not be required, nor excessive fines imposed nor cruel and unusual punishments inflicted. Penal administration shall be based on the principle of reformation and upon the need for protecting the public.

Habeas Corpus

SECTION 13. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or actual or imminent invasion, the public safety requires it.

Searches and Seizures

SECTION 14. The right of the people to be secure in their persons, houses and other property, papers, and effects, against unreasonable searches and seizures, shall not be violated. No warrants shall issue, but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Prohibited State Action

SECTION 15. No bill of attainder or ex post facto law shall be passed. No law impairing the obligation of contracts, and no law making any irrevocable grant of special privileges or immunities shall be passed. No conviction shall work corruption of blood or forfeiture of estate.

Civil Suits; Trial by Jury

SECTION 16. In civil cases where the amount in controversy exceeds two hundred fifty dollars, the right of trial by a jury of twelve is preserved to the same extent as it existed at common law. The legislature may make provision for a verdict by not less than three-fourths of the jury and, in courts not of record, may provide for a jury of not less than six or more than twelve.

Imprisonment for Debt

SECTION 17. There shall be no imprisonment for debt. This section does not prohibit civil arrest of absconding debtors.

Eminent Domain

SECTION 18. Private property shall not be taken or damaged for public use without just compensation.

Right to Bear Arms

SECTION 19. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Quartering Soldiers

SECTION 20. No member of the armed forces shall in time of peace be quartered in any house without the consent of the owner or occupant, or in time of war except as prescribed by law. The military shall be in strict subordination to the civil power.

Construction

SECTION 21. The enumeration of rights in this constitution shall not impair or deny others retained by the people.

ARTICLE II
THE LEGISLATURE

Legislative Power; Membership

SECTION 1. The legislative power of the State is vested in a legislature consisting of a senate with a membership of twenty and a house of representatives with a membership of forty.

Members: Qualifications

SECTION 2. A member of the legislature shall be a qualified voter who has been a resident of Alaska for at least three years and of the district from which elected for at least one year, immediately preceding his filing for office. A senator shall be at least twenty-five years of age and a representative at least twenty-one years of age.

Election and Terms

SECTION 3. Legislators shall be elected at general elections. Their terms begin on the fourth Monday of the January following election unless otherwise provided by law. The term of representatives shall be two years, and the term of senators, four years. One-half of the senators shall be elected every two years.

Vacancies

SECTION 4. A vacancy in the legislature shall be filled for the unexpired term as provided by law. If no provision is made, the governor shall fill the vacancy by appointment.

Disqualifications

SECTION 5. No legislator may hold any other office or position of profit under the United States or the State. During the term for which elected and for one year thereafter, no legislator may be nominated, elected, or appointed to any other office or position of profit which has been created, or the salary or emoluments of which have been increased, while he was a member. This section shall not prevent any person from seeking or holding the office of governor, secretary of state, or member of Congress. This section shall not apply to employment by or election to a constitutional convention.

Immunities

SECTION 6. Legislators may not be held to answer before any other tribunal for any statement made in the exercise of their legislative duties while the legislature is in session. Members attending, going to, or returning from legislative sessions are not subject to civil process and are privileged from arrest except for felony or breach of the peace.

Salary and Expenses

SECTION 7. Legislators shall receive annual salaries. They may receive a per diem allowance for expenses while in session and are entitled to travel expenses going to and from sessions. Presiding officers may receive additional compensation.

Regular Sessions

SECTION 8. The legislature shall convene each year on the fourth Monday in January, but the month and day may be changed by law.

Special Sessions

SECTION 9. Special sessions may be called by the governor or by vote of two-thirds of the legislators. The vote may be conducted by the legislative council or as prescribed by law. At special sessions called by the governor, legislation shall be limited to subjects designated in his proclamation calling the session or to subjects presented by him. Special sessions are limited to thirty days.

Adjournment

SECTION 10. Neither house may adjourn or recess for longer than three days unless the other concurs. If the two houses cannot agree on the time of adjournment and either house certifies the disagreement to the governor, he may adjourn the legislature.

Interim Committees

SECTION 11. There shall be a legislative council, and the legislature may establish other interim committees. The council and other interim commitees may meet between legislative sessions. They may perform duties and employ personnel as provided by the legislature. Their members may receive an allowance for expenses while performing their duties.

Rules

SECTION 12. The houses of each legislature shall adopt uniform rules of procedure. Each house may choose its officers and employees. Each is the judge of the election and qualifications of its members and may expel a member with the concurrence of two-thirds of its members. Each shall keep a journal of its proceedings. A majority of the membership of each house constitutes a quorum to do business, but a smaller number may adjourn from day to day and may compel attendance of absent members. The legislature shall regulate lobbying.

Form of Bills

SECTION 13. Every bill shall be confined to one subject unless it is an appropriation bill or one codifying, revising, or rearranging existing laws. Bills for appropriations shall be confined to appropriations. The subject of each bill shall be expressed in the title. The enacting clause shall be: "Be it enacted by the Legislature of the State of Alaska."

Passage of Bills

SECTION 14. The legislature shall establish the procedure for enactment of bills into law. No bill may become law unless it has passed three readings in each house on three separate days, except that any bill may be advanced from

second to third reading on the same day by concurrence of three-fourths of the house considering it. No bill may become law without an affirmative vote of a majority of the membership of each house. The yeas and nays on final passage shall be entered in the journal.

Veto

SECTION 15. The governor may veto bills passed by the legislature. He may, by veto, strike or reduce items in appropriation bills. He shall return any vetoed bill, with a statement of his objections, to the house of origin.

Action Upon Veto

SECTION 16. Upon receipt of a veto message, the legislature shall meet immediately in joint session and reconsider passage of the vetoed bill or item. Bills to raise revenue and appropriation bills or items, although vetoed, become law by affirmative vote of three-fourths of the membership of the legislature. Other vetoed bills become law by affirmative vote of two-thirds of the membership of the legislature. The vote on reconsideration of a vetoed bill shall be entered on the journals of both houses.

Bills Not Signed

SECTION 17. A bill becomes law if, while the legislature is in session, the governor neither signs nor vetoes it within fifteen days, Sundays excepted, after its delivery to him. If the legislature is not in session and the governor neither signs nor vetoes a bill within twenty days, Sundays excepted, after its delivery to him, the bill becomes law.

Effective Date

SECTION 18. Laws passed by the legislature become effective ninety days after enactment. The legislature may, by concurrence of two-thirds of the membership of each house, provide for another effective date.

Local or Special Acts

SECTION 19. The legislature shall pass no local or special act if a general act can be made applicable. Whether a general act can be made applicable shall be subject to judicial determination. Local acts necessitating appropriations

by a political subdivision may not become effective unless approved by a majority of the qualified voters voting thereon in the subdivision affected.

Impeachment

SECTION 20. All civil officers of the State are subject to impeachment by the legislature. Impeachment shall originate in the senate and must be approved by a two-thirds vote of its members. The motion for impeachment shall list fully the basis for the proceeding. Trial on impeachment shall be conducted by the house of representatives. A supreme court justice designated by the court shall preside at the trial. Concurrence of two-thirds of the members of the house is required for a judgment of impeachment. The judgment may not extend beyond removal from office, but shall not prevent proceedings in the courts on the same or related charges.

Suits Against the State

SECTION 21. The legislature shall establish procedures for suits against the State.

ARTICLE III

THE EXECUTIVE

Executive Power

SECTION 1. The executive power of the State is vested in the governor.

Governor: Qualifications

SECTION 2. The governor shall be at least thirty years of age and a qualified voter of the State. He shall have been a resident of Alaska at least seven years immediately preceding his filing for office, and he shall have been a citizen of the United States for at least seven years.

Election

SECTION 3. The governor shall be chosen by the qualified voters of the State at a general election. The candidate receiving the greatest number of votes shall be governor.

Term of Office

SECTION 4. The term of office of the governor is four years, beginning at noon on the first Mon-

day in December following his election and ending at noon on the first Monday in December four years later.

Limit on Tenure

SECTION 5. No person who has been elected governor for two full successive terms shall be again eligible to hold that office until one full term has intervened.

Dual Office Holding

SECTION 6. The governor shall not hold any other office or position of profit under the United States, the State, or its politcal subdivisions.

Secretary of State: Duties

SECTION 7. There shall be a secretary of state. He shall have the same qualifications as the governor and serve for the same term. He shall perform such duties as may be prescribed by law and as may be delegated to him by the governor.

Election

SECTION 8. The secretary of state shall be nominated in the manner provided by law for nominating candidates for other elective offices. In the general election the votes cast for a candidate for governor shall be considered as cast also for the candidate for secretary of state running jointly with him. The candidate whose name appears on the ballot jointly with that of the successful candidate for governor shall be elected secretary of state.

Acting Governor

SECTION 9. In case of the temporary absence of the governor from office, the secretary of state shall serve as acting governor.

Succession: Failure to Qualify

SECTION 10. If the governor-elect dies, resigns, or is disqualified, the secretary of state elected with him shall succeed to the office of governor for the full term. If the governor-elect fails to assume office for any other reason, the secretary of state elected with him shall serve as acting governor, and shall succeed to the office if the governor-elect does not assume his office within six months of the beginning of the term.

Vacancy

SECTION 11. In case of a vacancy in the office of governor for any reason, the secretary of state shall succeed to the office for the remainder of the term.

Absence

SECTION 12. Whenever for a period of six months, a governor has been continuously absent from office or has been unable to discharge the duties of his office by reason of mental or physical disability, the office shall be deemed vacant. The procedure for determining absence and disability shall be prescribed by law.

Further Succession

SECTION 13. Provision shall be made by law for succession to the office of governor and for an acting governor in the event that the secretary of state is unable to succeed to the office or act as governor. No election of a secretary of state shall be held except at the time of electing a governor.

Title and Authority

SECTION 14. When the secretary of state succeeds to the office of governor, he shall have the title, powers, duties, and emoluments of that office.

Compensation

SECTION 15. The compensation of the governor and the secretary of state shall be prescribed by law and shall not be diminished during their term of office, unless by general law applying to all salaried officers of the State.

Governor: Authority

SECTION 16. The governor shall be responsible for the faithful execution of the laws. He may, by appropriate court action or proceeding brought in the name of the State, enforce compliance with any constitutional or legislative mandate, or restrain violation of any constitutional or legislative power, duty, or right by any officer, department, or agency of the State or any of its political subdivisions. This authority shall not be construed to authorize any action or proceeding against the legislature.

Convening Legislature

SECTION 17. Whenever the governor considers it in the public interest, he may convene the legislature, either house, or the two houses in joint session.

Message to Legislature

SECTION 18. The governor shall, at the beginning of each session, and may at other times, give the legislature information concerning the affairs of the State and recommend the measures he considers necessary.

Military Authority

SECTION 19. The governor is commander-in-chief of the armed forces of the State. He may call out these forces to execute the laws, suppress or prevent insurrection or lawless violence, or repel invasion. The governor, as provided by law, shall appoint all general and flag officers of the armed forces of the State, subject to confirmation by a majority of the members of the legislature in joint session. He shall appoint and commission all other officers.

Martial Law

SECTION 20. The governor may proclaim martial law when the public safety requires it in case of rebellion or actual or imminent invasion. Martial law shall not continue for longer than twenty days without the approval of a majority of the members of the legislature in joint session.

Executive Clemency

SECTION 21. Subject to procedure prescribed by law, the governor may grant pardons, commutations, and reprieves, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law.

Executive Branch

SECTION 22. All executive and administrative offices, departments, and agencies of the state government and their respective functions, powers, and duties shall be allocated by law among and within not more than twenty principal departments, so as to group them as far as practicable according to major purposes. Regulatory, quasi-judical, and temporary agencies may be established by law and need not be allocated within a principal department.

Reorganization

SECTION 23. The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.

Supervision

SECTION 24. Each principal department shall be under the supervision of the governor.

Department Heads

SECTION 25. The head of each principal department shall be a single executive unless otherwise provided by law. He shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and shall serve at the pleasure of the governor, except as otherwise provided in this article with respect to the secretary of state. The heads of all principal departments shall be citizens of the United States.

Boards and Commissions

SECTION 26. When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law. They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the governor.

Recess Appointments

SECTION 27. The governor may make appointments to fill vacancies occuring during a recess of the legislature, in offices requiring confirma-

tion by the legislature. The duration of such appointments shall be prescribed by law.

ARTICLE IV

THE JUDICIARY

Judicial Power and Jurisdiction

SECTION 1. The judicial power of the State is vested in a supreme court, a superior court, and the courts established by the legislature. The jurisdiction of courts shall be prescribed by law. The courts shall constitute a unified judicial system for operation and administration. Judicial districts shall be established by law.

Supreme Court

SECTION 2. The supreme court shall be the highest court of the State, with final appellate jurisdiction. It shall consist of three justices, one of whom is chief justice. The number of justices may be increased by law upon the request of the supreme court.

Superior Court

SECTION 3. The superior court shall be the trial court of general jurisdiction and shall consist of five judges. The number of judges may be changed by law.

Qualifications of Justices and Judges

SECTION 4. Supreme court justices and superior court judges shall be citizens of the United States and of the State, licensed to practice law in the State, and possessing any additional qualifications prescribed by law. Judges of other courts shall be selected in a manner, for terms, and with qualifications prescribed by law.

Nomination and Appointment

SECTION 5. The governor shall fill any vacancy in an office of supreme court justice or superior court judge by appointing one of two or more persons nominated by the judicial council.

Approval or Rejection

SECTION 6. Each supreme court justice and superior court judge shall, in the manner provided by law, be subject to approval or rejection on a non-partisan ballot at the first general election held more than three years after his appointment. Thereafter, each supreme court justice shall be subject to approval or rejection in a like manner every tenth year, and each superior court judge, every sixth year.

Vacancy

SECTION 7. The office of any supreme court justice or superior court judge becomes vacant ninety days after the election at which he is rejected by a majority of those voting on the question, or for which he fails to file his declaration of candidacy to succeed himself.

Judicial Council

SECTION 8. The judicial council shall consist of seven members. Three attorney members shall be appointed for six-year terms by the governing body of the organized state bar. Three non-attorney members shall be appointed for six-year terms by the governor subject to confirmation by a majority of the members of the legislature in joint session. Vacancies shall be filled for the unexpired term in like manner. Appointments shall be made with due consideration to area representation and without regard to political affiliation. The chief justice of the supreme court shall be ex officio the seventh member and chairman of the judicial council. No member of the judicial council, except the chief justice, may hold any other office or position of profit under the United States or the State. The judicial council shall act by concurrence of four or more members and according to rules which it adopts.

Additional Duties

SECTION 9. The judicial council shall conduct studies for improvement of the administration of justice, and make reports and recommendations to the supreme court and to the legislature at intervals of not more than two years. The judicial council shall preform other duties assigned by law.

Commission on Judicial Qualifications

SECTION 10. The legislature may provide by law for a commission on judicial qualifications

and establish procedures for the censure, suspension, disqualification or removal of a justice or judge of any court.

(The above Constitutional Amendment was approved by the voters of the State August 27, 1968. Section 10, Article IV, pertaining to Incapacity of Judges was repealed.)

Retirement

SECTION 11. Justices and judges shall be retired at the age of seventy except as provided in this article. The basis and amount of retirement pay shall be prescribed by law. Retired judges shall render no further service on the bench except for special assignments as provided by court rule.

Impeachment

SECTION 12. Impeachment of any justice or judge for malfeasance or misfeasance in the performance of his official duties shall be according to procedure prescribed for civil officers.

Compensation

SECTION 13. Justices, judges, and members of the judicial council and the commission on judicial qualifications shall receive compensation as prescribed by law. Compensation of justices and judges shall not be diminished during their terms of office, unless by general law applying to all salaried officers of the State.

(The above Constitutional Amendment was approved by the voters of the State August 27, 1968. The words "and the commission on judicial qualifications" were incorporated in this Section.)

Restrictions

SECTION 14. Supreme court justices and superior court judges while holding office may not practice law, hold office in a political party, or hold any other office or position of profit under the United States, the State, or its political subdivisions. Any supreme court justice or superior court judge filing for another elective public office forfeits his judicial position.

Rule-making Power

SECTION 15. The supreme court shall make and promulgate rules governing the administration of all courts. It shall make and promulgate rules governing practice and procedure in civil and criminal cases in all courts. These rules may be changed by the legislature by two-thirds vote of the members elected to each house.

Court Administration

SECTION 16. The chief justice of the supreme court shall be the administrative head of all courts. He may assign judges from one court or division thereof to another for temporary service. The chief justice shall, with the approval of the supreme court, appoint an administrative director to serve at his pleasure and to supervise the administrative operations of the judicial system.

ARTICLE V
SUFFRAGE AND ELECTIONS

Qualified Voters

SECTION 1. Every citizen of the United States who is at least nineteen years of age, who meets registration requirements which may be prescribed by law, and who is qualified to vote under this article, may vote in any state or local election. A voter shall have been, immediately preceding the election, for one year a resident of Alaska and for thirty days a resident of the election district in which he seeks to vote, except that for purposes of voting for President and Vice President of the United States other residency requirements may be prescribed by law. A voter shall be able to read or speak the English language as prescribed by law, unless prevented by physical disability. Additional voting qualifications may be prescribed by law for bond issue elections of political subdivisions.

(The above Constitutional Amendment was approved by the voters of the State August 23, 1966. The Constitution was amended to permit the residency requirements for voting for the President and Vice President of the United States to be prescribed by law.)

Disqualifications

SECTION 2. No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed.

Methods of Voting; Election Contests

SECTION 3. Methods of voting, including absentee voting, shall be prescribed by law. Secrecy of voting shall be preserved. The procedure for determining election contests, with right of appeal to the courts, shall be prescribed by law.

Voting Precincts; Registration

SECTION 4. The legislature may provide a system of permanent registration of voters, and may establish voting precincts within election districts.

General Elections

SECTION 5. General elections shall be held on the second Tuesday in October of every even-numbered year, but the month and day may be changed by law.

ARTICLE VI

LEGISLATIVE APPORTIONMENT

Election Districts

SECTION 1. Members of the house of representatives shall be elected by the qualified voters of the respective election districts. Until reapportionment, election districts and the number of representatives to be elected from each district shall be as set forth in Section 1 of Article XIV.

Senate Districts

SECTION 2. Members of the senate shall be elected by the qualified voters of the respective senate districts. Senate districts shall be as set forth in Section 2 of Article XIV, subject to changes authorized in this article.

Reapportionment of House

SECTION 3. The governor shall reapportion the house of representatives immediately following the official reporting of each decennial census of the United States. Reapportionment shall be based upon civilian population within each election district as reported by the census.

Method

SECTION 4. Reapportionment shall be by the methods of equal proportions, except that each election district having the major fraction of the quotient obtained by dividing total civilian population by forty shall have one representative.

Combining Districts

SECTION 5. Should the total civilian population within any election district fall below one-half of the quotient, the district shall be attached to an election district within its senate district, and the reapportionment for the new district shall be determined as provided in Section 4 of this article.

Redistricting

SECTION 6. The governor may further redistrict by changing the size and area of election districts, subject to the limitations of this article. Each new district so created shall be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area. Each shall contain a population at least equal to the quotient obtained by dividing the total civilian population by forty. Consideration may be given to local government boundaries. Drainage and other geographic features shall be used in describing boundaries wherever possible.

Modification of Senate Districts

SECTION 7. The senate districts, described in Section 2 of Article XIV, may be modified to reflect changes in election districts. A district, although modified, shall retain its total number of senators and its approximate perimeter.

Reapportionment Board

SECTION 8. The governor shall appoint a reapportionment board to act in an advisory capacity to him. It shall consist of five members, none of whom may be public employees or officials. At least one member each shall be appointed from the Southeastern, Southcentral, Central and Northwestern Senate Districts. Appointments shall be made without regards to political affiliation. Board members shall be compensated.

Organization

SECTION 9. The board shall elect one of its members chairman and may employ temporary assistants. Concurrence of three members is required for a ruling or determination, but a lesser number may conduct hearings or otherwise act for the board.

Reapportionment Plan and Proclamation

SECTION 10. Within ninety days following the official reporting of each decennial census, the board shall submit to the governor a plan for reapportionment and redistricting as provided in this article. Within ninety days after receipt of the plan, the governor shall issue a proclamation of reapportionment and redistricting. An accompanying statement shall explain any change from the plan of the board. The reapportionment and redistricting shall be effective for the election of members of the legislature until after the official reporting of the next decennial census.

Enforcement

SECTION 11. Any qualified voter may apply to the superior court to compel the governor, by mandamus or otherwise, to perform his reapportionment duties or to correct any error in redistricting or reapportionment. Application to compel the governor to perform his reapportionment duties must be filed within thirty days of the expiration of either of the two ninety-day periods specified in this article. Application to compel correction of any error in redistricting or reapportionment must be filed within thirty days following the proclamation. Original jurisdiction in these matters is hereby vested in the superior court. On appeal, the cause shall be reviewed by the supreme court upon the law and the facts.

ARTICLE VII

HEALTH, EDUCATION, AND WELFARE

Public Education

SECTION 1. The legislature shall by general law establish and maintain a system of public schools open to all children of the State, and may

provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.

State University

SECTION 2. The University of Alaska is hereby established as the state university and constituted a body corporate. It shall have title to all real and personal property now or hereafter set aside for or conveyed to it. Its property shall be administered and disposed of according to law.

Board of Regents

SECTION 3. The University of Alaska shall be governed by a board of regents. The regents shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The board shall, in accordance with law, formulate policy and appoint the president of the university. He shall be the executive officer of the board.

Public Health

SECTION 4. The legislature shall provide for the promotion and protection of public health.

Public Welfare

SECTION 5. The legislature shall provide for public welfare.

ARTICLE VIII

NATURAL RESOURCES

Statement Of Policy

SECTION 1. It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

General Authority

SECTION 2. The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

Common Use

SECTION 3. Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

Sustained Yield

SECTION 4. Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

Facilities and Improvements

SECTION 5. The legislature may provide for facilities, improvements, and services to assure greater utilization, development, reclamation, and settlement of lands, and to assure fuller utilization and development of the fisheries, wildlife, and waters.

State Public Domain

SECTION 6. Lands and interests therein, including submerged and tidal lands, possessed or acquired by the State, and not used or intended exclusively for governmental purposes, constitute the state public domain. The legislature shall provide for the selection of lands granted to the State by the United States, and for the administration of the state public domain.

Special Purpose Sites

SECTION 7. The legislature may provide for the acquisition of sites, objects, and areas of natural beauty or of historic, cultural, recreational, or scientific value. It may reserve them from the public domain and provide for their administration and preservation for the use, enjoyment, and welfare of the people.

Leases

SECTION 8. The legislature may provide for the leasing of, and the issuance of permits for exploration of, any part of the public domain or interest therein, subject to reasonable concurrent uses. Leases and permits shall provide, among other conditions, for payment by the party at fault for damage or injury arising from noncompliance with terms governing concurrent use, and for forfeiture in the event of breach of conditions.

Sales and Grants

SECTION 9. Subject to the provisions of this section, the legislature may provide for the sale or grant of state lands, or interests therein, and establish sales procedures. All sales or grants shall contain such reservations to the State of all resources as may be required by Congress or the State and shall provide for access to these resources. Reservation of access shall not unnecessarily impair the owners' use, prevent the control of trespass, or preclude compensation for damages.

Public Notice

SECTION 10. No disposals or leases of state lands, or interests therein, shall be made without prior public notice and other safeguards of the public interest as may be prescribed by law.

Mineral Rights

SECTION 11. Discovery and appropriation shall be the basis for establishing a right in those minerals reserved to the State which, upon the date of ratification of this constitution by the people of Alaska, were subject to location under the federal mining laws. Prior discovery, location, and filing, as prescribed by law, shall establish a prior right to these minerals and also a prior right to permits, leases, and transferable licenses for their extraction. Continuation of these rights shall depend upon the performance of annual labor, or the payment of fees, rents, or royalties, or upon other requirements as may be prescribed by law. Surface uses of land by a mineral claimant shall be limited to those necessary for the extraction or basic processing of the mineral deposits, or for both. Discovery and appropriation shall initiate a right, subject to further requirements of law, to patent of mineral lands if authorized by the State and not prohibited by Congress. The provisions of this section shall apply to all other minerals reserved to the State which by law are declared subject to appropriation.

Mineral Leases and Permits

SECTION 12. The legislature shall provide for the issuance, types and terms of leases for coal,

oil, gas, oil shale, sodium, phosphate, potash, sulfur, pumice, and other minerals as may be prescribed by law. Leases and permits giving the exclusive right of exploration for these minerals for specific periods and areas, subject to reasonable concurrent exploration as to different classes of minerals, may be authorized by law. Like leases and permits giving the exclusive right of prospecting by geophysical, geochemical, and similar methods for all minerals may also be authorized by law.

Water Rights

SECTION 13. All surface and subsurface waters reserved to the people for common use, except mineral and medicinal waters, are subject to appropriation. Priority of appropriation shall give prior right. Except for public water supply, an appropriation of water shall be limited to stated purposes and subject to preferences among beneficial uses, concurrent or otherwise, as prescribed by law, and to the general reservation of fish and wildlife.

Access to Navigable Waters

SECTION 14. Free access to the navigable or public waters of the State, as defined by the legislature, shall not be denied any citizen of the United States or resident of the State, except that the legislature may by general law regulate and limit such access for other beneficial uses or public purposes.

No Exclusive Right of Fishery

SECTION 15. No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State.

Protection of Rights

SECTION 16. No person shall be involuntarily divested of his right to the use of waters, his interests in lands, or improvements affecting either, except for a superior beneficial use or public purpose and then only with just compensation and by operation of law.

Uniform Application

SECTION 17. Laws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated

with reference to the subject matter and purpose to be served by the law or regulation.

Private Ways of Necessity

SECTION 18. Proceeding in eminent domain may be undertaken for private ways of necessity to permit essential access for extraction or utilization of resources. Just compensation shall be made for property taken or for resultant damages to other property rights.

ARTICLE IX
FINANCE AND TAXATION

Taxing Power

SECTION 1. The power of taxation shall never be surrendered. This power shall not be suspended or contracted away, except as provided in this article.

Non-discrimination

SECTION 2. The lands and other property belonging to citizens of the United States residing without the State shall never be taxed at a higher rate than the lands and other property belonging to the residents of the State.

Assessment Standards

SECTION 3. Standards for appraisal of all property assessed by the State or its political subdivisions shall be prescribed by law.

Exemptions

SECTION 4. The real and personal property of the State or its political subdivisions shall be exempt from taxation under conditions and exceptions which may be provided by law. All, or any portion of, property used exclusively for nonprofit religious, charitable, cemetery, or educational purposes, as defined by law, shall be exempt from taxation. Other exemptions of like or different kind may be granted by general law. All valid existing exemptions shall be retained until otherwise provided by law.

Interests in Government Property

SECTION 5. Private leaseholds, contracts, or interests in land or property owned or held by the United States, the State, or its political subdivisions, shall be taxable to the extent of the interests.

Public Purpose

SECTION 6. No tax shall be levied, or appropriation of public money made, or public property transferred, nor shall the public credit be used, except for a public purpose.

Dedicated Funds

SECTION 7. The proceeds of any state tax or license shall not be dedicated to any special purpose, except when required by the federal government for state participation in federal programs This provision shall not prohibit the continuance of any dedication for special purposes existing upon the date of ratification of this constitution by the people of Alaska.

State Debt

SECTION 8. No state debt shall be contracted unless authorized by law for capital improvements and ratified by a majority of the qualified voters of the State who vote on the question. The State may, as provided by law and without ratification, contract debt for the purpose of repelling invasion, suppressing insurrection, defending the State in war, meeting natural disasters, or redeeming indebtedness outstanding at the time this constitution becomes effective.

Local Debts

SECTION 9. No debt shall be contracted by any political subdivision of the State, unless authorized for capital improvements by its governing body and ratified by a majority vote of those qualified to vote and voting on the question.

Interim Borrowing

SECTION 10. The State and its political subdivisions may borrow money to meet appropriations for any fiscal year in anticipation of the collection of the revenues for that year, but all debt so contracted shall be paid before the end of the next fiscal year.

Exceptions

SECTION 11. The restrictions on contracting debt do not apply to debt incurred through the issuance of revenue bonds by a public enterprise or public corporation of the State or a political subdivision, when the only security is the revenues of the enterprise or corporation. The restrictions do not apply to indebtedness to be paid from special assessments on the benefited property, nor do they apply to refunding indebtedness of the State or its political subdivisions.

Budget

SECTION 12. The governor shall submit to the legislature, at a time fixed by law, a budget for the next fiscal year setting forth all proposed expenditures and anticipated income of all departments, offices, and agencies of the State. The governor, at the same time, shall submit a general appropriation bill to authorize the proposed expenditures, and a bill or bills covering recommendations in the budget for new or additional revenues.

Expenditures

SECTION 13. No money shall be withdrawn from the treasury except in accordance with appropriations made by law. No obligation for the payment of money shall be incurred except as authorized by law. Unobligated appropriations outstanding at the end of the period of time specified by law shall be void.

Legislative Post-audit

SECTION 14. The legislature shall appoint an auditor to serve at its pleasure. He shall be a certified public accountant. The auditor shall conduct post-audits as prescribed by law and shall report to the legislature and to the governor.

ARTICLE X
LOCAL GOVERNMENT

Purpose and Construction

SECTION 1. The purpose of this article is to provide for maximum local self-government with a minimum of local government units, and to prevent duplication of tax-levying jurisdictions. A liberal construction shall be given to the powers of local government units.

Local Government Powers

SECTION 2. All local government powers shall be vested in boroughs and cities. The State may delegate taxing powers to organized boroughs and cities only.

Boroughs

SECTION 3. The entire State shall be divided into boroughs, organized or unorganized. They shall be established in a manner and according to standards provided by law. The standards shall include population, geography, economy, transportation, and other factors. Each borough shall embrace an area and population with common interests to the maximum degree possible. The legislature shall classify boroughs and prescribe their powers and functions. Methods by which boroughs may be organized, incorporated, merged, consolidated, reclassified, or dissolved shall be prescribed by law.

Assembly

SECTION 4. The governing body of the organized borough shall be the assembly, and its composition shall be established by law or charter. Each city of the first class, and each city of any other class designated by law, shall be represented on the assembly by one or more members of its council. The other members of the assembly shall be elected from and by the qualified voters resident outside such cities.

Service Areas

SECTION 5. Service areas to provide special services within an organized borough may be established, altered, or abolished by the assembly, subject to the provisions of law or charter. A new service area shall not be established if, consistent with the purposes of this article, the new service can be provided by an existing service area, by incorporation as a city, or by annexation to a city. The assembly may authorize the levying of taxes, charges, or assessments within a service area to finance the special services.

Unorganized Boroughs

SECTION 6. The legislature shall provide for the performance of services it deems necessary or advisable in unorganized boroughs, allowing for maximum local participation and responsibility. It may exercise any power or function in an unorganized borough which the assembly may exercise in an organized borough.

Cities

SECTION 7. Cities shall be incorporated in a manner prescribed by law, and shall be a part of the borough in which they are located. Cities shall have the powers and functions conferred by law or charter. They may be merged, consolidated, classified, reclassified, or dissolved in the manner provided by law.

Council

SECTION 8. The governing body of a city shall be the council.

Charters

SECTION 9. The qualified voters of any borough of the first class or city of the first class may adopt, amend, or repeal a home rule charter in a manner provided by law. In the absence of such legislation, the governing body of a borough or city of the first class shall provide the procedure for the preparation and adoption or rejection of the charter. All charters, or parts or amendments of charters, shall be submitted to the qualified voters of the borough or city, and shall become effective if approved by a majority of those who vote on the specific question.

Extended Home Rule

SECTION 10. The legislature may extend home rule to other boroughs and cities.

Home Rule Powers

SECTION 11. A home rule borough or city may exercise all legislative powers not prohibited by law or by charter.

Boundaries

SECTION 12. A local boundary commission or board shall be established by law in the executive branch of the state government. The commission or board may consider any proposed local government boundary change. It may present proposed changes to the legislature during the first ten days of any regular session. The change shall become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house. The commission or board, subject to law, may establish procedures whereby boundaries

may be adjusted by local action.

Agreements; Transfer of Powers

SECTION 13. Agreements, including those for cooperative or joint administration of any functions or powers, may be made by any local government with any other local government, with the State, or with the United States, unless otherwise provided by law or charter. A city may transfer to the borough in which it is located any of its powers or functions unless prohibited by law or charter, and may in like manner revoke the transfer.

Local Government Agency

SECTION 14. An agency shall be established by law in the executive branch of the state government to advise and assist local governments. It shall review their activities, collect and publish local government information, and perform other duties prescribed by law.

Special Service Districts

SECTION 15. Special service districts existing at the time a borough is organized shall be integrated with the government of the borough as provided by law.

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ARTICLE XI

INITIATIVE, REFERENDUM, AND RECALL

Initiative and Referendum

SECTION 1. The people may propose and enact laws by the initiative, and approve or reject acts of the legislature by the referendum.

Application

SECTION 2. An initiative or referendum is proposed by an application containing the bill to be initiated or the act to be referred. The application shall be signed by not less than one hundred qualified voters as sponsors, and shall be filed with the secretary of state. If he finds it in proper form he shall so certify. Denial of certification shall be subject to judicial review.

Petition

SECTION 3. After certification of the application, a petition containing a summary of the subject matter shall be prepared by the secretary of state for circulation by the sponsors. If signed by qualified voters, equal in number to ten per cent of those who voted in the preceding general election and resident in at least two-thirds of the election districts of the State, it may be filed with the secretary of state.

Initiative Election

SECTION 4. An initiative petition may be filed at any time. The secretary of state shall prepare a ballot title and proposition summarizing the proposed law, and shall place them on the ballot for the first statewide election held more than one hundred twenty days after adjournment of the legislative session following the filing. If, before the election, substantially the same measure has been enacted, the petition is void.

Referendum Election

SECTION 5. A referendum petition may be filed only within ninety days after adjournment of the legislative session at which the act was passed. The secretary of state shall prepare a ballot title and proposition summarizing the act and shall place them on the ballot for the first statewide election held more than one hundred eighty days after adjournment of that session.

Enactment

SECTION 6. If a majority of the votes cast on the proposition favor its adoption, the initiated measure is enacted. If a majority of the votes cast on the proposition favor the rejection of an act referred, it is rejected. The secretary of state shall certify the election returns. An initiated law becomes effective ninety days after certification, is not subject to veto, and may not be repealed by the legislature within two years of its effective date. It may be amended at any time. An act rejected by referendum is void thirty days after certification. Additional procedures for the initiative and referendum may be prescribed by law.

Restrictions

SECTION 7. The initiative shall not be used to dedicate revenues, make or repeal appropriations,

create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety.

Recall

SECTION 8. All elected public officials, in the State, except judicial officers, are subject to recall by the voters of the State or political subdivision from which elected. Procedures and grounds for recall shall be prescribed by the legislature.

ARTICLE XII
GENERAL PROVISIONS

State Boundaries

SECTION 1. The State of Alaska shall consist of all the territory, together with the territorial waters appurtenant thereto, included in the Territory of Alaska upon the date of ratification of this constitution by the people of Alaska.

Intergovernmental Relations

SECTION 2. The State and its political subdivisions may cooperate with the United States and its territories, and with other states and their political subdivisions on matters of common interest. The respective legislative bodies may make appropriations for this purpose.

Office of Profit

SECTION 3. Service in the armed forces of the United States or of the State is not an office or position of profit as the term is used in this constitution.

Disqualification for Disloyalty

SECTION 4. No person who advocates, or who aids or belongs to any party or organization or association which advocates, the overthrow by force or violence of the government of the United States or of the State shall be qualified to hold any public office of trust or profit under this constitution.

Oath of Office

SECTION 5. All public officers, before entering upon the duties of their offices, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Alaska, and that I will faithfully discharge my duties as ..... to the best of my ability." The legislature may prescribe further oaths or affirmations.

Merit System

SECTION 6. The legislature shall establish a system under which the merit principle will govern the employment of persons by the State.

Retirement System

SECTION 7. Membership in employee retirement systems of the State or its political subdivisions shall constitute a contractual relationship. Accrued benefits of these systems shall not be diminished or impaired.

Residual Power

SECTION 8. The enumeration of specified powers in this constitution shall not be construed as limiting the powers of the State.

Provisions Self-executing

SECTION 9. The provisions of this constitution shall be construed to be self-executing whenever possible.

Interpretation

SECTION 10. Titles and subtitles shall not be used in construing this constitution. Personal pronouns used in this constitution shall be construed as including either sex.

Law-making Power

SECTION 11. As used in this constitution, the terms "by law" and "by the legislature," or variations of these terms, are used interchangeably when related to law-making powers. Unless clearly inapplicable, the law-making powers assigned to the legislature may be exercised by the people through the initiative, subject to the limitations of Article XI.

Disclaimer and Agreement

SECTION 12. The State of Alaska and its people forever disclaim all right and title in or to any property belonging to the United States or subject to its disposition, and not granted or confirmed to the State or its political subdivisions, by or under the act admitting Alaska to the Union. The State and its people further disclaim all right or title in or to any property, including fishing rights, the right or title to which may be held by for any Indian, Eskimo, or Aleut, or community thereof, as that right or title is defined in the act of admission. The State and its people agree that, unless otherwise provided by Congress, the property, as described in this section, shall remain subject to the absolute disposition of the United States. They further agree that no taxes will be imposed upon any such property, until otherwise provided by the Congress. This tax exemption shall not apply to property held by individuals in fee without restrictions on alienation.

Consent to Act of Admission

SECTION 13. All provisions of the act admitting Alaska to the Union which reserve rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property, are consented to fully by the State and its people.

ARTICLE XIII
AMENDMENT AND REVISION

Amendments

SECTION 1. Amendments to this constitution may be proposed by a two-thirds vote of each house of the legislature. The secretary of state shall prepare a ballot title and proposition summarizing each proposed amendment, and shall place them on the ballot for the next statewide election. If a majority of the votes cast on the proposition favor the amendment, it shall be adopted. Unless otherwise provided in the amendment, it becomes effective thirty days after the certification of the election returns by the secretary of state.

Convention

SECTION 2. The legislature may call constitutional conventions at any time.

Call by Referendum

SECTION 3. If during any ten-year period a constitutional convention has not been held, the secretary of state shall place on the ballot for the next general election the question: "Shall there be a Constitutional Convention?" If a majority of the votes cast on the question are in the negative, the question need not be placed on the ballot until the end of the next ten-year period. If a majority of the votes cast on the question are in the affirmative, delegates to the convention shall be chosen at the next regular statewide election, unless the legislature provides for the election of the delegates at a special election. The secretary of state shall issue the call for the convention. Unless other provisions have been made by law, the call shall conform as nearly as possible to the act calling the Alaska Constitutional Convention of 1955, including, but not limited to, number of members, districts, election and certification of delegates, and submission and ratification of revisions and ordinances. The appropriation provisions of the call shall be self-executing and shall constitute a first claim on the state treasury.

Power

SECTION 4. Constitutional Conventions shall have plenary power to amend or revise the constitution, subject only to ratification by the people. No call for a constitutional convention shall limit these powers of the convention.

ARTICLE XIV

APPORTIONMENT SCHEDULE

Election Districts

SECTION 1. Members of the house of representatives shall, until reapportionment, be elected from the election districts and in the numbers shown below:

Number of District	Name of District	Number of Representatives
1	Prince of Wales	1
2	Ketchikan	2
3	Wrangell-Petersburg	1
4	Sitka	2
5	Juneau	2
6	Lynn Canal-Icy Straits	1
7	Cordova-McCarthy	1
8	Valdez-Chitina-Whittier	1
9	Palmer-Wasilla-Talkeetna	1
10	Anchorage	8
11	Seward	1
12	Kenai-Cook Inlet	1
13	Kodiak	2
14	Aleutian Islands	1
15	Bristol Bay	1
16	Bethel	1
17	Kuskokwim	1
18	Yukon-Koyukuk	1
19	Fairbanks	5
20	Upper Yukon	1
21	Barrow	1
22	Kobuk	1
23	Nome	2
24	Wade Hampton	1

Reapportionment and redistricting -- A proclamation of the governor dated December 7, 1961, provides as follows:

The election districts shall have the following numbers, names, and assignments of seats in the House of Representatives:

District Number	Name of Election District	Number of Repersentatives
1	Ketchikan-Prince of Wales	2
2	Wrangell-Petersburg	1
3	Sitka	1
4	Juneau	2
5	Lynn Canal-Icy Straits	1
6	Cordova-Valdez	1
7	Palmer-Wasilla-Talkeetna	1
8	Anchorage	14
9	Seward	1
10	Kenai-Cook Inlet	1
11	Kodiak	1
12	Aleutian Islands	1
13	Bristol Bay	1
14	Bethel	1
15	Yukon-Kuskokwim	1
16	Fairbanks-Fort Yukon	7
17	Barrow-Kobuk	1
18	Nome	1
19	Wade Hampton	1

Senate Districts

SECTION 2. Members of the senate shall be elected from the senate districts and in the number shown below:

Name of District	Composed of Election Districts	Number of Senators
A. Southeastern	1, 2, 3, 4, 5, and 6	2
B. Ketchikan-Prince of Wales	1 and 2	1
C. Wrangell-Petersburg-Sitka	3 and 4	1
D. Juneau-Yakutat	5 and 6	1
E. Southcentral	7, 8, 9, 10, 11, 12, 13, and 14	2
F. Cordova-Valdez	7 and 8	1
G. Anchorage-Palmer	9 and 10	1
H. Seward-Kenai	11 and 12	1
I. Kodiak-Aleutians	13 and 14	1

J. Central	15, 16, 17, 18, 19, and 20	2
K. Bristol Bay-Bethel	15 and 16	1
L. Yukon-Kuskokwim	17 and 18	1
M. Fairbanks-Fort Yukon	19 and 20	1
N. Northwestern	21, 22, 23, and 24	2
O. Barrow-Kobuk	21 and 22	1
P. Nome-Wade Hampton	23 and 24	1

Reapportionment and redistricting --A proclamation of the governor dated September 3, 1965, provides as follows:

The election districts for the House of Representatives shall remain as designated by the Proclamation of Reapportionment Redistricting of December 7, 1961.

Members of the Senate shall be elected from Senate Districts and in the number shown below:

Senate District	Name of District	Composed of Election Districts	Number of Senators
A.	Ketchikan	1	1
B.	Wrangell-Petersburg & Sitka	2 and 3	1
C.	Juneau & Lynn Canal	4 and 5	1
D.	Cordova-Valdez and Palmer-Wasilla	6 and 7	1
E.	Anchorage	8	7
F.	Seward & Kenai	9 and 10	1
G.	Kodiak & Aleutian Islands	11 and 12	1
H.	Bristol Bay & Yukon-Kuskokwim	13 and 15	1
I.	Fairbanks	16	4
J.	Barrow-Kobuk & Nome	17 and 18	1
K.	Bethel & Wade Hampton	14 and 19	1

Description of Election Districts

SECTION 3. The election districts set forth in Section 1 shall include the following territory:

1. Ketchikan-Prince of Wales (Combination of 1958 Districts No. 1 and 2) - That area of the mainland drained by streams flowing into Revillagigedo Channel, Behm Canal, Burroughs Bay, and the east side of Clarence Strait from the southernmost point of the Alaska-British Columbia boundary line to and including Lemesurier Point; and those islands offshore to this mainland area and all other islands to the south of a line which begins at Lemesurier Point and runs west to the centerline of Clarence Strait and then follows the centerline of Clarence Strait to its intersection with the centerline of Sumner Strait at which point it turns west and follows the centerline of Sumner Strait west and then southwesterly to the open sea.

2. Wrangell-Petersburg (1958 District No. 3) - That area of the mainland north of District No. 1 and south of, and including the area draining into Frederick Sound to Cape Fanshaw on the north, and partly bounded on the north by a line drawn between Cape Fanshaw and the north side of Pybus Bay; that area of Admiralty Island drained by streams flowing into Frederick Sound; that area of Baranof Island drained by streams flowing into Chatham Strait to but not including that area drained by streams flowing into Peril Strait; and including Kupreanof, Mitkof, Kuiu and Coronation Islands and other smaller adjacent islands.

3. Sitka (1958 District No. 4) - Those parts of Admiralty, Chichagof, and Baranof Islands not included in Districts No. 2, 4, and 5; and Kruzof Island and other smaller adjacent islands.

4. Juneau (1958 District No. 5) - The mainland north of District No. 2 up to and including the area drained by streams flowing into Berners Bay on the north; and that area of Admiralty Island north of District No. 2 and drained by streams flowing into Stephens Passage, Seymour Canal, Lynn Canal, and their tributaries; and including Douglas, Shelter, and Benjamin Islands, and other small adjacent islands.

5. Lynn Canal-Icy Straits (1958 District No. 6) - That part of the mainland, not included in District No. 4, drained by streams flowing into Lynn Canal, Glacier Bay, Icy Strait, Cross Sound, and their tributaries, and the Pacific Ocean, to and including the area drained into Icy Bay to the west; those parts of Admiralty and Chichagof Islands drained by streams flowing into Icy Strait, Cross Sound, and their tributaries; and Yakobi, Lemesurier, and Pleasant Islands, and other smaller adjacent islands.

6. Cordova-Valdez (Combination of 1958 Districts No. 7 and 8) - That area draining into the Gulf of Alaska and Prince William Sound from but not including the area draining into the south side of Icy Bay on the east and to Cape Junken on the west; together with all the offshore and adjacent islands within these limits.

7. Palmer-Wasilla-Talkeetna (1958 District No. 9 with addition of Goose Bay area) - That area lying to the north of Cook Inlet and Knik Arm which is drained by streams emptying into Cook Inlet and Knik Arm from but not including Beluga River on the west to and including the Matanuska River on the east; and that

area draining into the Knik River from the north; and that area draining into Knik River from the south and on the east side of the Knik River Highway Bridge.

8. Anchorage (1958 District No 10 with subtraction of Goose Bay area) - That area around Turnagain Arm and east of Knik Arm drained by streams flowing into Turnagain Arm and Knik Arm from and including Placer River on the south to and including the Knik River Highway Bridge on the north; and including Fire Island in Cook Inlet.

9. Seward (1958 District No. 11) - That part of Kenai Peninsula draining into the Gulf of Alaska from Gore Point on the west to Cape Junken on the east; and the area draining into Turnagain Arm from and including the drainage of Resurrection Creek on the west to but not including Placer River on the east, and to and including the confluence of the Kenai and Russian Rivers on the west.

10. Kenai-Cook Inlet (1958 District No. 12) - That area of Kenai Peninsula drained by streams flowing into the Gulf of Alaska, Cook Inlet, and Turnagain Arm, from and including the area drained into Port Dick on the south to Gore Point, to but not including Resurrection Creek on the north, and the area east of the confluence of the Kenai and Russian Rivers; and that area west of Cook Inlet drained by all streams flowing into Cook Inlet from Cape Douglas on the south, to and including the Beluga River; including Elizabeth Island and adjacent islands in Cook Inlet.

11. Kodiak (1958 District No. 13) - The part of the Alaska Peninsula drained by all streams flowing into the Pacific Ocean from Cape Douglas on the east to but not including Kujulik Bay on the west; and all adjacent off-shore islands, including the Semidi Islands, and Kodiak, Afognak, Trinity, Chirikof Islands, and other smaller islands in the immediate vicinity, such as the Barren Islands and Chugach Islands.

12. Aleutian Islands (1958 District No. 14) - The part of the Alaska Peninsula west of and including the drainage of Meshik River and Kujulik Bay; and all of the Aleutian and Pribilof Islands and adjacent off-shore islands west of and excluding the Semidi Islands and Sutwik Island.

13. Bristol Bay (1958 District No. 15) - The area drained by all streams flowing into Bristol Bay from Cape Newenham on the west to but not including the Meshik River on the south.

14. Bethel (1958 District No. 16) - The area drained by all streams flowing into Baird Inlet, Etolin Strait, and Kuskokwim Bay, that area drained by the Kuskokwim River and its tributaries up to, and including, the area drained by the Tuluksak River on the east bank of the Kuskokwim River; and the area drained by tributaries up to the opposite point on the west bank of the Kuskokwim River; and including Nunivak Island and St. Matthew Island and adjacent islands.

15. Yukon-Kuskokwim (Combination of 1958 Districts No. 17 and 18 with subtraction of Anaktuvuk Pass) - That area drained by the Kuskokwim River and its tributaries above but not including the Tuluksak River on the east bank; and the area drained by tributaries above the opposite point on the west bank of the Kuskokwim River; and the area drained by the Tanana River and its tributaries up to but not including Clear Creek, near Blair Lakes on the east; and that part of Goldstream Creek drainage up to but not including Nugget Creek and Spinach Creek; and that portion drained by the Chatanika River up to but not including Vault Creek; provided that Anaktuvuk Pass and adjacent territory to the north and east of a line drawn from the summits of Soakpak Mountain to Kollutuk Mountain to Three River Mountain shall not be included within this district.

16. Fairbanks-Fort Yukon (Combination of 1958 Districts No. 19 and 20) - That area drained by the Tanana River and its tributaries from and including Clear Creek, near Blair Lakes on the west to the Alaska-Canada boundary on the east; and that part of Goldstream Creek drainage upstream from and including Nugget Creek and Spinach Creek; and that part of the Chatanika River drainage upstream from and including Vault Creek; and that area drained by the Yukon River and its tributaries from but not including Hess Creek on the west to the Alaska-Canada boundary; and that area drained by streams flowing into the Arctic Ocean from but not including Kuparuk River on the west to the Alaska-Canada boundary on the east.

17. Barrow-Kobuk (Combination of 1958 Districts No. 21 and 22 with addition of Anaktuvuk Pass) - The area drained by all streams flowing into the Arctic Ocean and Kotzebue Sound from and including the Kuparuk River and its tributaries on the east to and including the Goodhope River and its tributaries on the south; provided that Anaktuvuk Pass and adjacent territory to the north and east of a line drawn from the summits of Soakpak Mountain to Kollutuk Mountain to Three River Mountain shall be included within this district.

18. Nome (1958 District No. 23) - That part of the Seward Peninsula and adjacent areas drained by all streams flowing into the Kotzebue Sound, Bering Strait, and Norton Sound, from but not including the area drained by the Goodhope River and its tributaries on the north, to but not including the area drained by the Pastolik River on the south; and King, Little Diomede, St. Lawrence, Sledge, and Stuart Islands, as well as adjacent off-shore islands.

19. Wade Hampton (1958 District No. 24) - The area drained by the lower Yukon River and its tributaries, from Tuckers Slough to the mouth at the Bering Sea; and the area drained by all streams flowing into the Bering Sea and Norton Sound, from and including Hazen Bay on the south, to and including the Pastolik River on the north.

ARTICLE XV

SCHEDULE OF TRANSITIONAL MEASURES

To provide an orderly transition from a territorial to a state form of government, it is declared and ordained:

Continuance Laws

SECTION 1. All laws in force in the Territory of Alaska on the effective date of this constitution and consistent therewith shall continue in force until they expire by their own limitation, are amended, or repealed.

Savings of Existing Rights and Liabilities

SECTION 2. Except as otherwise provided in this constitution, all rights, titles, actions, suits, contracts, and liabilities and all civil, criminal, or administrative proceedings shall continue unaffected by the change from territorial to state government, and the State shall be the legal successor to the Territory in these matters.

Local Government

SECTION 3. Cities, school districts, health districts, public utility districts, and other local subdivisions of government existing on the effective date of this constitution shall continue to exercise their powers and functions under law, pending enactment of legislation to carry out the provisions of this constitution. New local subdivisions of government shall be created only in accordance with this constitution.

Continuance of Office

SECTION 4. All officers of the Territory, or under its law, on the effective date of this constitution shall continue to perform the duties of their offices in a manner consistent with this constitution until they are superseded by officers of the State.

Corresponding Qualifications

SECTION 5. Residence, citizenship, or other qualifications under the Territory may be used toward the fulfillment of corresponding qualifications required by this constitution.

Governor to Proclaim Election

SECTION 6. When the people of the Territory ratify this constitution and it is approved by the duly constituted authority of the United States, the governor of the Territory shall, within thirty days after receipt of the official notification of such approval, issue a proclamation and take necessary measures to hold primary and general elections for all state elective offices provided for by this constitution.

First State Elections

SECTION 7. The primary election shall take place not less than forty nor more than ninety days after the proclamation by the governor of the Territory. The general election shall take place not less than ninety days after the primary election. The elections shall be governed by this constitution and by applicable territorial laws.

United States Senators and Representative

SECTION 8. The officers to be elected at the first general election shall include two senators and one representative to serve in the Congress of the United States unless senators and a representative have been previously elected and seated. One senator shall be elected for the long term and one senator for the short term, each term to expire on the third day of January in an odd-numbered year to be determined by authority of the United States. The term of the representative shall expire on the third day of January in the odd-numbered year immediately following his assuming office. If the first representative is elected in an even-numbered year to take office in that year, a representative shall be elected at the same time to fill the full term commencing on the third day of January of the following year, and the same person may be elected for both terms.

First Governor and Secretary of State: Terms

SECTION 9. The first governor and secretary of state shall hold office for a term beginning with the day on which they assume office and ending at noon on the first Monday in December of the even-numbered year following the next presidential election. This term shall count as a full

term for purposes of determining eligibility for reelection only if it is four years or more in duration.

Election of First Senators

SECTION 10. At the first state general election, one senator shall be chosen for a two-year term from each of the following senate districts, described in Section 2 of Article XIV: A, B, D, E, G, I, J, L, N, and O. At the same election, one senator shall be chosen for a four-year term from each of the following senate districts, described in Section 2 of Article XIV: A, C, E, F, H, J, K, M, N, and P.

Terms of First State Legislators

SECTION 11. The first state legislators shall hold office for a term beginning with the day on which they assume office and ending at noon on the fourth Monday in January after the next general election, except that senators elected for four-year terms shall serve an additional two years thereafter. If the first general election is held in an even-numbered year, it shall be deemed to be the general election for that year.

Election Returns

SECTION 12. The returns of the first general election shall be made, canvassed, and certified in the manner prescribed by law. The governor of the Territory shall certify the results to the President of the United States.

Assumption of Office

SECTION 13. When the President of the United States issues a proclamation announcing the results of the election, and the State has been admitted into the Union, the officers elected and qualified shall assume office.

First Session of Legislature

SECTION 14. The governor shall call a special session of the first state legislature within thirty days after the presidential proclamation unless a regular session of the legislature falls within that period. The special session shall not be limited as to duration.

First Legislators: Office Holding

SECTION 15. The provisions of Section 5 of Article II shall not prohibit any member of the first state legislature from holding any office or position created during his first term.

First Judicial Council

SECTION 16. The first members of the judicial council shall, notwithstanding Section 8 of Article IV, be appointed for terms as follows: three attorney members for one, three, and five years respectively, and three non-attorney members for two, four, and six years respectively. The six members so appointed shall, in accordance with Section 5 of Article IV, submit to the governor nominations to fill the initial vacancies on the superior court and the supreme court, including the office of chief justice. After the initial vacancies on the superior and supreme courts are filled, the chief justice shall assume his seat on the judicial council.

Transfer of Court Jurisdiction

SECTION 17. Until the courts provided for in Article IV are organized, the courts, their jurisdiction, and the judicial system shall remain as constituted on the date of admission unless otherwise provided by law. When the state courts are organized, new actions shall be commenced and filed therein, and all causes, other than those under the jurisdiction of the United States, pending in the courts existing on the date of admission, shall be transferred to the proper state court as though commenced, filed, or lodged in those courts in the first instance, except as otherwise provided by law.

Territorial Assets and Liabilities

SECTION 18. The debts and liabilities of the Territory of Alaska shall be assumed and paid by the State, and debts owed to the Territory shall be collected by the State. Assets and records of the Territory shall become the property of the State.

First Reapportionment

SECTION 19. The first reapportionment of the house of representatives shall be made immediately following the official reporting of the 1960

decennial census, or after the first regular legislative session if the session occurs thereafter, notwithstanding the provisions as to time contained in Section 3 of Article VI. All other provisions of Article VI shall apply in the first reapportionment.

State Capital

SECTION 20. The capital of the State of Alaska shall be at Juneau.

Seal

SECTION 21. The seal of the Territory, substituting the word "State" for "Territory," shall be the seal of the State.

Flag

SECTION 22. The flag of the Territory shall be the flag of the State.

Special Voting Provision

SECTION 23. Citizens who legally voted in the general election of November 4, 1924, and who meet the residence requirements for voting, shall be entitled to vote notwithstanding the provisions of Section 1 of Article V.

Ordinances

SECTION 24. Ordinance No. 1 on ratification of the constitution, Ordinance No 2 on the Alaska-Tennessee Plan, and Ordinance No. 3 on the abolition of fish traps, adopted by the Alaska Constitutional Convention and appended to this Constitution, shall be submitted to the voters and if ratified shall become effective as provided in each ordinance.

Effective Date

SECTION 25. This constitution shall take effect immediately upon the admission of Alaska into the Union as a state.

Agreed upon by the delegates in Constitutional Convention assembled at the University of Alaska, this fifth day of February, in the year of our Lord one thousand nine hundred and fifty-six, and of the Independence of the United States the one hundred and eightieth.

WM. A. EGAN
President of the Convention

R. ROLLAND ARMSTRONG
DOROTHY J. AWES
FRANK BARR
JOHN C. BOSWELL
SEABORN J. BUCKALEW, JR.
JOHN B. COGHILL
E. B. COLLINS
GEORGE D. COOPER
JOHN M. CROSS
EDWARD V. DAVIS
JAMES P. DOOGAN
TRUMAN C. EMBERG
HELEN FISCHER
VICTOR FISCHER
DOUGLAS GRAY
THOMAS C. HARRIS
JOHN S. HELLENTHAL
MILDRED R. HERMANN
HERB HILSCHER
JACK HINCKEL
JAMES HURLEY
MAURICE T. JOHNSON
YULE F. KILCHER
LEONARD H. KING
WILLIAM W. KNIGHT
W. W. LAWS
ELDOR R. LEE
MAYNARD D. LONDBORG
STEVE McCUTCHEON
GEORGE M. McLAUGHLIN
ROBERT J. McNEALY
JOHN A. McNEES
M. R. MARSTON
IRWIN L. METCALF
LESLIE NERLAND
JAMES NOLAN

KATHERINE D. NORDALE

FRANK PERATROVICH

CHRIS POULSEN

PETER L. READER

BURKE RILEY

RALPH J. RIVERS

VICTOR C. RIVERS

JOHN H. ROSSWOG

B. D. STEWART

W. O. SMITH

GEORGE SUNDBORG

DORA M. SWEENEY

WARREN A. TAYLOR

H. R. VANDERLEEST

M. J. WALSH

BARRIE M. WHITE

ADA B. WIEN

ATTEST:

THOMAS B. STEWART
Secretary of the Convention

ORDINANCE NO 1

RATIFICATION OF CONSTITUTION

Election

SECTION 1. The Constitution for the State of Alaska agreed upon by the delegates to the Alaska Constitutional Convention on February 5, 1956, shall be submitted to the voters of Alaska for ratification or rejection at the territorial primary election to be held on April 24, 1956. The election shall be conducted according to existing laws regulating primary elections so far as applicable.

Ballot

SECTION 2. Each elector who offers to vote upon this constitution shall be given a ballot by the election judges which will be separate from the ballot on which candidates in the primary election are listed. Each of the propositions offered by the Alaska Constitutional Convention shall be set forth separately, but on the same ballot form. The first proposition shall be as follows:

"Shall the Constitution for the State of Alaska prepared and agreed upon by the Alaska Constitutional Convention be adopted?"

Yes ☐

No ☐

Canvass

SECTION 3. The returns of this election shall be made to the governor of the Territory of Alaska, and shall be canvassed in substantially the manner provided by law for territorial elections.

Acceptance and Approval

SECTION 4. If a majority of the votes cast on the proposition favor the constitution, then the constitution shall be deemed to be ratified by the people of Alaska to become effective as provided in the constitution.

Submission of Constitution

SECTION 5. Upon ratification of the constitution, the governor of the Territory shall forthwith transmit a certified copy of the constitution to the President of the United States for submission to the Congress, together with a statement of the votes cast for and against ratification.

ORDINANCE NO. 2.

ALASKA-TENNESSEE PLAN

Statement Of Purpose

SECTION 1. The election of senators and a representative to serve in the Congress of the United States being necessary and proper to prepare for the admission of Alaska as a state of the Union, the following sections are hereby ordained, pursuant to Chapter 46, SLA 1955:

Ballot

SECTION 2. Each elector who offers to vote upon the ratification of the constitution may, upon the same ballot, vote on a second proposition, which shall be as follows:

"Shall Ordinance Number Two (Alaska-Tennessee Plan) of the Alaska Constitutional Convention, calling for the immediate election of two United State Senators and one United States Representative, be adopted?"

Yes ☐

No ☐

Approval

SECTION 3. Upon ratification of the constitution by the people of Alaska and separate approval of this ordinance by a majority of all votes cast for and against it, the remainder of this ordinance shall become effective.

Election of Senators and Representative

SECTION 4. Two United States senators and one United States representative shall be chosen at the 1956 general election.

Terms

SECTION 5. One senator shall be chosen for the regular term expiring on January 3, 1963, and the other for an initial short term expiring on January 3, 1961, unless when they are seated the Senate prescribes other expiration dates. The representative shall be chosen for the regular term of two years expiring January 3, 1959.

Qualifications

SECTION 6. Candidates for senators and representative shall have the qualifications prescribed in the Constitution of the United States and shall be qualified voters of Alaska.

Other Office Holding

SECTION 7. Until the admission of Alaska as a state, the senators and representative may also hold or be nominated and elected to other offices of the United States or of the Territory of Alaska, provided that no person may receive compensation for more than one office.

Election Procedure

SECTION 8. Except as provided herein, the laws of the Territory governing elections to the office of Delegate to Congress shall, to the extent applicable, govern the election of the senators and representative. Territorial and other officials shall perform their duties with reference to this election accordingly.

Independent Candidates

SECTION 9. Persons not representing any political party may become independent candidates for the offices of senator or representative by filing applications in the manner provided in Section 38-5-10, ACLA 1949, insofar as applicable. Applications must be filed in the office of the director of finance of the Territory on or before June 30, 1956.

Party Nominations

SECTION 10. Party nominations for senators and representative shall, for this election only, be made by party conventions in the manner prescribed in Section 38-4-11, ACLA 1949, for filling a vacancy in a party nomination occurring after a primary election. The names of the candidates nominated shall be certified by the chairman and secretary of the central committee of each political party to the director of finance of the Territory on or before June 30, 1956.

Certification

SECTION 11. The director of finance shall certify the names of all candidates for senators and representative to the clerks of court by July 15, 1956. The clerks of court shall cause the names to be printed on the official ballot for the general election. Independent candidates shall be identified as provided in Section 38-5-10, ACLA 1949. Candidates nominated at party conventions shall be identified with appropriate party designations as

is provided by law for nominations at primary elections.

Ballot Form; Who Elected

SECTION 12. The ballot form shall group separately the candidates seeking the regular senate term, those seeking the short senate term, and candidates for representative. The candidate for each office receiving the largest number of votes cast for that office shall be elected.

Duties and Emoluments

SECTION 13. The duties and emoluments of the offices of senators and representatives shall be as prescribed by law.

Convention Assistance

SECTION 14. The president of the Alaska Constitutional Convention, or a person designated by him, may assist in carrying out the purposes of this ordinance. The unexpended and unobligated funds appropriated to the Alaska Constitutional Convention by Chapter 46, SLA 1955, may be used to defray expenses attributable to the referendum and the election required by this ordinance.

Alternate Effective Dates

SECTION 15. If the Congress of the United States seats the senators and representative elected pursuant to this ordinance and approves the constitution before the first election of state officers, then Section 25 of Article XV shall be void and shall be replaced by the following:

> "The provisions of the constitution applicable to the first election of state officers shall take effect immediately upon the admission of Alaska to the Union as a state. The remainder of the constitution shall take effect when the elected governor takes office."

ORDINANCE NO. 3

ABOLITION OF FISH TRAPS

Ballot

SECTION 1. Each elector who offers to vote upon the ratification of the constitution may, upon the same ballot, vote on a third proposition, which shall be as follows:

"Shall Ordinance Number Three of the Alaska Constitutional Convention prohibiting the use of fish traps for the taking of salmon for commercial purposes in the coastal waters of the State, be adopted?"

Yes ☐

No ☐

Effect of Referendum

SECTION 2. If the constitution shall be adopted by the electors and if a majority of all the votes cast for and against this ordinance favor its adoption, then the following shall become operative upon the effective date of the constitution:

> "As a matter of immediate public necessity, to relieve economic distress among individual fishermen and those dependent upon them for a livelihood, to conserve the rapidly dwindling supply of salmon in Alaska, to insure fair competition among those engaged in commercial fishing, and to make manifest the will of the people of Alaska, the use of fish traps for the taking of salmon for commercial purposes is hereby prohibited in all the coastal waters of the State."

CONSTITUTION

OF THE

STATE OF CONNECTICUT

CONSTITUTION
OF THE
STATE OF CONNECTICUT

PREAMBLE.

The People of Connecticut acknowledging with gratitude, the good providence of God, in having permitted them to enjoy a free government; do, in order more effectually to define, secure, and perpetuate the liberties, rights and privileges which they have derived from their ancestors; hereby, after a careful consideration and revision, ordain and establish the following constitution and form of civil government.

ARTICLE FIRST.

DECLARATION OF RIGHTS.

That the great and essential principles of liberty and free government may be recognized and established,

WE DECLARE:

SEC. 1. All men when they form a social compact, are equal in rights; and no man or set of men are entitled to exclusive public emoluments or privileges from the community.

SEC. 2. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times an undeniable and indefeasible right to alter their form of government in such manner as they may think expedient.

SEC. 3. The exercise and enjoyment of religious profession and worship, without discrimination, shall forever be free to all persons in the state; provided, that the right hereby declared and established, shall not be so construed as to excuse acts of licentiousness, or to justify practices inconsistent with the peace and safety of the state.

SEC. 4. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

SEC. 5. No law shall ever be passed to curtail or restrain the liberty of speech or of the press.

SEC. 6. In all prosecutions or indictments for libels, the truth may be given in evidence, and the jury shall have the

right to determine the law and the facts, under the direction of the court.

SEC. 7. The people shall be secure in their persons, houses, papers and possessions from unreasonable searches or seizures; and no warrant to search any place, or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

SEC. 8. In all criminal prosecutions, the accused shall have a right to be heard by himself and by counsel; to be informed of the nature and cause of the accusation; to be confronted by the witnesses against him; to have compulsory process to obtain witnesses in his behalf; to be released on bail upon sufficient security, except in capital offenses, where the proof is evident or the presumption great; and in all prosecutions by indictment or information, to a speedy, public trial by an impartial jury. No person shall be compelled to give evidence against himself, nor be deprived of life, liberty or property without due process of law, nor shall excessive bail be required nor excessive fines imposed. No person shall be held to answer for any crime, punishable by death or life imprisonment, unless on a presentment or an indictment of a grand jury, except in the armed forces, or in the militia when in actual service in time of war or public danger.

SEC. 9. No person shall be arrested, detained or punished, except in cases clearly warranted by law.

SEC. 10. All courts shall be open, and every person, for an injury done to him in his person, property or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

SEC. 11. The property of no person shall be taken for public use, without just compensation therefor.

SEC. 12. The privileges of the writ of habeas corpus shall not be suspended, unless, when in case of rebellion or invasion, the public safety may require it; nor in any case, but by the legislature.

SEC. 13. No person shall be attainted of treason or felony, by the legislature.

SEC. 14. The citizens have a right, in a peaceable manner, to assemble for their common good, and to apply to those invested with the powers of government, for redress of griev-

ances, or other proper purposes, by petition, address or remonstrance.

SEC. 15. Every citizen has a right to bear arms in defense of himself and the state.

SEC. 16. The military shall, in all cases, and at all times, be in strict subordination to the civil power.

SEC. 17. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

SEC. 18. No hereditary emoluments, privileges or honors, shall ever be granted, or conferred in this state.

SEC. 19. The right of trial by jury shall remain inviolate.

SEC. 20. No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his civil or political rights because of religion, race, color, ancestry or national origin.

ARTICLE SECOND.

OF THE DISTRIBUTION OF POWERS.

The powers of government shall be divided into three distinct departments, and each of them confided to a separate magistracy, to wit, those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

ARTICLE THIRD.

OF THE LEGISLATIVE DEPARTMENT.

SEC. 1. The legislative power of the state shall be vested in two distinct houses or branches; the one to be styled the senate, the other the house of representatives, and both together the general assembly. The style of their laws shall be: Be it enacted by the Senate and House of Representatives in General Assembly convened.

Sec. 2. There shall be a regular session of the general assembly on the Wednesday following the first Monday of January in the odd-numbered years and on the Wednesday following the first Monday of February in the even-numbered years, and at such other times as the general assembly shall judge necessary; but the person administering the office of governor may, on special emergencies, convene the general assembly at any other time. All regular and special sessions of the general assembly shall be held at Hartford, but the person administering the office of governor may, in case of special emergency, convene the assembly at any other place in the state. The general assembly shall adjourn each regular session in the odd-numbered years not later than the first Wednesday after the first Monday in June and in the even-numbered years not later than the first Wednesday after the first Monday in May and shall adjourn each special session upon completion of its business. If any bill passed by any regular or special session or any appropriation item described in Section 16 of Article Fourth has been disapproved by the governor prior to its adjournment, and has not been reconsidered by the assembly, or is so disapproved after such adjournment, the secretary of the state shall reconvene the general assembly on the second Monday after the last day on which the governor is authorized to transmit or has transmitted every bill to the secretary with his objections pursuant to Section 15 of Article Fourth of this constitution, whichever occurs first;

provided if such Monday falls on a legal holiday the general assembly shall be reconvened on the next following day. The reconvened session shall be for the sole purpose of reconsidering and, if the assembly so desires, repassing such bills. The general assembly shall adjourn sine die not later than three days following its reconvening. In the even year session the general assembly shall consider no business other than budgetary, revenue and financial matters, bills and resolutions raised by committees of the general assembly and those matters certified in writing by the speaker of the house of representatives and president pro tempore of the senate to be of an emergency nature.

Sec. 3. The senate shall consist of not less than thirty and not more than fifty members, each of whom shall have attained the age of twenty-one years and be an elector residing in the senatorial district from which he is elected. Each senatorial district shall be contigious as to territory and shall elect no more than one senator.

Sec. 4. The house of representatives shall consist of not less than one hundred twenty-five and not more than two hundred and twenty-five members, each of whom shall have attained the age of twenty-one years and be an elector residing in the assembly district from which he is elected. Each assembly district shall be contiguous as to territory and shall elect no more than one representative. For the purpose of forming assembly districts no town shall be divided except for the purpose of forming assembly districts wholly within the town.

Sec. 5. The establishment of districts in the general assembly shall be consistent with federal constitutional standards.

Sec. 6. a. The assembly and senatorial districts as now established by law shall continue until the regular session of the general assembly next after the completion of the next census of the United States. Such general assembly shall, upon roll call, by a yea vote of at least two-thirds of the membership of each house, enact such plan of districting as is necessary to preserve a proper apportionment of representation in accordance with the principles recited in this article. Thereafter the general assembly shall decennially at its next regular session following the completion of the census of the United States, upon roll call, by a yea vote of at least two-thirds of the membership of each house, enact such plan of districting as is necessary in accordance with the provisions of this article.

b. If the general assembly fails to enact a plan of districting by the first day of the April next following the completion of the decennial census of the United States, the governor shall forthwith appoint a commission consisting of the eight members designated by the president pro tempore of the senate, the speaker of the house of representatives, the minority leader of the senate and the minority leader of the house of representatives, each of whom shall designate two members of the commission, provided that there are members of no more than two political parties in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the commission in lieu of the designation by the minority leader of that house.

c. The commission shall proceed to consider the alteration of districts in accordance with the principles recited in this article and it shall submit a plan of districting to the secretary of the state by the first day of the July next succeeding the appointment of its members. No plan shall be submitted to the secretary unless it is certified by at least six members of the commission. Upon receiving such plan the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of law.

d. If by the first day of the July next succeeding the appointment of its members the commission fails to submit a plan of districting, a board of three persons shall forthwith be empaneled. The speaker of the house of representatives and the minority leader of the house of representatives shall each designate, as one member of the board, a judge of the superior court of the state, provided that there are members of no more than two political parties in the house of representatives. In the event that there are members of more than two political parties in the house of representatives, all members belonging to the parties other than that of the speaker shall select one of their number, who shall then designate, as one member of the board, a judge of the superior court of the state, in lieu of the designation by the minority leader of the house of representatives. The two members of the board so designated shall select an elector of the state as the third member.

e. The board shall proceed to consider the alteration of districts in accordance with the principles recited in this article and shall, by the first day of the October next succeeding its selection, submit a plan of districting to the secretary. No plan shall be submitted to the secretary unless it is certified by at least two members of the board. Upon receiving such plan, the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of law.

Sec. 7. The treasurer, secretary of the state, and comptroller shall canvass publicly the votes for senators and representatives. The person in each senatorial district having the greatest number of votes for senator shall be declared to be duly elected for such district, and the person in each assembly district having the greatest number of votes for representative shall be declared to be duly elected for such district. The general assembly shall provide by law the manner in which an equal and the greatest number of votes for two or more persons so voted for for senator or representative shall be resolved. The return of votes, and the result of the canvass, shall be submitted to the house of representatives and to the senate on the first day of the session of the general assembly. Each house shall be the final judge of the election returns and qualifications of its own members.

Sec. 8. A general election for members of the general assembly shall be held on the Tuesday after the first Monday of November, biennially, in the even-numbered years. The general assembly shall have power to enact laws regulating and prescribing the order and manner of voting for such members, for filling vacancies in either the house of representatives or the senate, and providing for the election of representatives or senators at some time subsequent to the Tuesday after the first Monday of November in all cases when it shall so happen that the electors in any district shall fail on that day to elect a representative or senator.

Sec. 9. At all elections for members of the general assembly the presiding officers in the several towns shall receive the votes of the electors, and count and declare them in open meeting. The presiding officers shall make and certify duplicate lists of the persons voted for, and of the number of votes for each. One list shall be delivered within three days to the town clerk, and within ten days after such meeting, the other shall be delivered under seal to the secretary of the state.

Sec. 10. The members of the general assembly shall hold their offices from the Wednesday following the first Monday of the January next succeeding their election until the Wednesday after the first Monday of the third January next succeeding their election, and until their successors are duly qualified.

Sec. 11. No member of the general assembly shall during the term for which he is elected, hold or accept any appointive position or office in the judicial or executive department of the state government, or in the courts of the political subdivisions of the state, or in the government of any county. No member of congress, no person holding any office under the authority of the United States and no person

holding any office in the judicial or executive department of the state government or in the government of any county shall be a member of the general assembly during his continuance in such office.

SEC. 12. The house of representatives, when assembled, shall choose a speaker, clerk and other officers. The senate shall choose a president pro tempore, clerk and other officers, except the president. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

SEC. 13. Each house shall determine the rules of its own proceedings, and punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free and independent state.

SEC. 14. Each house shall keep a journal of its proceedings, and publish the same when required by one-fifth of its members, except such parts as in the judgment of a majority require secrecy. The yeas and nays of the members of either house shall, at the desire of one-fifth of those present, be entered on the journals.

SEC. 15. The senators and representatives shall, in all cases of civil process, be privileged from arrest, during any session of the general assembly, and for four days before the commencement and after the termination of any session thereof. And for any speech or debate in either house, they shall not be questioned in any other place.

SEC. 16. The debates of each house shall be public, except on such occasions as in the opinion of the house may require secrecy.

SEC. 17. The salary of the members of the general assembly and the transportation expenses of its members in the performance of their legislative duties shall be determined by law.

ARTICLE FOURTH.

OF THE EXECUTIVE DEPARTMENT.

Sec. 1. A general election for governor, lieutenant-governor, secretary of the state, treasurer, comptroller and attorney general shall be held on the Tuesday after the first Monday of November, 1974, and quadrennially thereafter.

SEC. 2. Such officers shall hold their respective offices from the Wednesday following the first Monday of the January next succeeding their election until the Wednesday following the first Monday of the fifth January succeeding their election and until their successors are duly qualified.

SEC. 3. In the election of governor and lieutenant-governor, voting for such offices shall be as a unit. The name of no candidate for either office, nominated by a political party or by petition, shall appear on the voting machine ballot labels except in conjunction with the name of the candidate for the other office.

SEC. 4. At the meetings of the electors in the respective towns held quadrennially as herein provided for the election of state officers, the presiding officers shall receive the votes and shall count and declare the same in the presence of the electors. The presiding officers shall make and certify duplicate lists of the persons voted for, and of the number of votes for each. One list shall be delivered within three days to the town clerk, and within ten days after such meeting, the other shall be delivered under seal to the secretary of the state. The votes so delivered shall be counted, canvassed and declared by the treasurer, secretary, and comptroller, within the month of November. The vote for treasurer shall be counted, canvassed and declared by the secretary and comptroller only; the vote for secretary shall be counted, canvassed and declared by the treasurer and comptroller only;

and the vote for comptroller shall be counted, canvassed and declared by the treasurer and secretary only. A fair list of the persons and number of votes given for each, together with the returns of the presiding officers, shall be, by the treasurer, secretary and comptroller, made and laid before the general assembly, then next to be held, on the first day of the session thereof. In the election of governor, lieutenant-governor, secretary, treasurer, comptroller and attorney general, the person found upon the count by the treasurer, secretary and comptroller in the manner herein provided, to be made and announced before December fifteenth of the year of the election, to have received the greatest number of votes for each of such offices, respectively, shall be elected thereto; provided, if the election of any of them shall be contested as provided by statute, and if such a contest shall proceed to final judgment, the person found by the court to have received the greatest number of votes shall be elected. If two or more persons shall be found upon the count of the treasurer, secretary and comptroller to have received an equal and the greatest number of votes for any of said offices, and the election is not contested, the general assembly on the second day of its session shall hold a joint convention of both houses, at which, without debate, a ballot shall be taken to choose such officer from those persons who received such a vote; and the balloting shall continue on that or subsequent days until one of such persons is chosen by a majority vote of those present and voting. The general assembly shall have power to enact laws regulating and prescribing the order and manner of voting for such officers. The general assembly shall by law prescribe the manner in which all questions concerning the election of a governor or lieutenant-governor shall be determined.

Sec. 5. The supreme executive power of the state shall be vested in the governor. No person who is not an elector of the state, and who has not arrived at the age of thirty years, shall be eligible.

Sec. 6. The lieutenant-governor shall possess the same qualifications as are herein prescribed for the governor.

Sec. 7. The compensations of the governor and lieutenant-governor shall be established by law, and shall not be varied so as to take effect until after an election, which shall next succeed the passage of the law establishing such compensations.

Sec. 8. The governor shall be captain general of the militia of the state, except when called into the service of the United States.

Sec. 9. He may require information in writing from the officers in the executive department, on any subject relating to the duties of their respective offices.

Sec. 10. The governor, in case of a disagreement between the two houses of the general assembly, respecting the time of adjournment, may adjourn them to such time as he shall think proper, not beyond the day of the next stated session.

Sec. 11. He shall, from time to time, give to the general assembly, information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

Sec. 12. He shall take care that the laws be faithfully executed.

Sec. 13. The governor shall have power to grant reprieves after conviction, in all cases except those of impeachment, until the end of the next session of the general assembly, and no longer.

Sec. 14. All commissions shall be in the name and by authority of the state of Connecticut; shall be sealed with the state seal, signed by the governor, and attested by the secretary of the state.

Sec. 15. Each bill which shall have passed both houses of the general assembly shall be presented to the governor. Bills may be presented to the governor after the adjournment of the general assembly, and the general assembly may prescribe the time and method of performing all ministerial acts necessary or incidental to the administration of this section. If the governor shall approve a bill, he shall sign and transmit it to the secretary of the state, but if he shall disapprove, he shall transmit it to the secretary with his ob-

jections, and the secretary shall thereupon return the bill with the governor's objections to the house in which it originated. After the objections shall have been entered on its journal, such house shall proceed to reconsider the bill. If, after such reconsideration, that house shall again pass it, but by the approval of at least two-thirds of its members, it shall be sent with the objections to the other house, which shall also reconsider it. If approved by at least two-thirds of the members of the second house, it shall be a law and be transmitted to the secretary; but in such case the votes of each house shall be determined by yeas and nays and the names of the members voting for and against the bill shall be entered on the journal of each house respectively. In case the governor shall not transmit the bill to the secretary, either with his approval or with his objections, within five calendar days, Sundays and legal holidays excepted, after the same shall have been presented to him, it shall be a law at the expiration of that period; except that, if the general assembly shall then have adjourned any regular or special session, the bill shall be a law unless the governor shall, within fifteen calendar days after the same has been presented to him, transmit it to the secretary with his objections, in which case it shall not be a law unless such bill is reconsidered and repassed by the general assembly by at least a two-thirds vote of the members of each house of the general assembly at the time of its reconvening.

Sec. 16. The governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items while at the same time approving the remainder of the bill, and the part or parts of the bill so approved shall become effective and the item or items of appropriations so disapproved shall not take effect unless the same are separately reconsidered and repassed in accordance with the rules and limitations prescribed for the passage of bills over the executive veto. In all cases in which the governor shall exercise the right of disapproval hereby conferred he shall append to the bill at the time of signing it a statement of the item or items disapproved, together with his reasons for such disapproval, and transmit the bill and such appended statement to the secretary of the state. If the general assembly be then in session he shall forthwith cause a copy of such statement to be delivered to the house in which the bill originated for reconsideration of the disapproved items in conformity with the rules prescribed for legislative action in respect to bills which have received executive disapproval.

Sec. 17. The lieutenant-governor shall, by virtue of his office, be president of the senate, and have, when in committee of the whole, a right to debate, and when the senate is equally divided, to give the casting vote.

Sec. 18. In case of the death, resignation, refusal to serve or removal from office of the governor, the lieutenant-governor shall, upon taking the oath of office of governor, be governor of the state until another is chosen at the next regular election for governor and is duly qualified. In case of the inability of the governor to exercise the powers and perform the duties of his office, or in case of his impeachment or of his absence from the state, the lieutenant-governor shall exercise the powers and authority and perform the duties appertaining to the office of governor until the disability is removed or, if the governor has been impeached, he is acquitted or, if absent, he has returned.

Sec. 19. If the lieutenant-governor succeeds to the office of governor, or if the lieutenant-governor dies, resigns, refuses to serve or is removed from office, the president pro tempore of the senate shall, upon taking the oath of office of lieutenant-governor, be lieutenant-governor of the state until another is chosen at the next regular election for lieutenant-governor and is duly qualified. Within fifteen days of the administration of such oath the senate, if the general assembly is in session, shall elect one of its members president pro tempore. In case of the inability of the lieutenant-governor to exercise the powers and perform the duties of his office or in case of his impeachment or absence from the state, the president pro tempore of the senate shall exercise the powers and authority and perform the duties appertaining

to the office of lieutenant-governor until the disability is removed or, if the lieutenant-governor has been impeached, he is acquitted or, if absent, he has returned.

SEC. 20. If, while the general assembly is not in session, there is a vacancy in the office of president pro tempore of the senate, the secretary of the state shall within fifteen days convene the senate for the purpose of electing one of its members president pro tempore.

SEC. 21. If, at the time fixed for the beginning of the term of the governor, the governor-elect shall have died or shall have failed to qualify, the lieutenant-governor-elect, after taking the oath of office of lieutenant-governor, may qualify as governor, and, upon so qualifying, shall become governor. The general assembly may by law provide for the case in which neither the governor-elect nor the lieutenant-governor-elect shall have qualified, by declaring who shall, in such event, act as governor or the manner in which the person who is so to act shall be selected, and such person shall act accordingly until a governor or a lieutenant-governor shall have qualified.

SEC. 22. The treasurer shall receive all monies belonging to the state, and disburse the same only as he may be directed by law. He shall pay no warrant, or order for the disbursement of public money, until the same has been registered in the office of the comptroller.

SEC. 23. The secretary of the state shall have the safe keeping and custody of the public records and documents, and particularly of the acts, resolutions and orders of the general assembly, and record the same; and perform all such duties as shall be prescribed by law. He shall be the keeper of the seal of the state, which shall not be altered.

SEC. 24. The comptroller shall adjust and settle all public accounts and demands, except grants and orders of the general assembly. He shall prescribe the mode of keeping and rendering all public accounts. He shall, ex officio, be one of the auditors of the accounts of the treasurer. The general assembly may assign to him other duties in relation to his office, and to that of the treasurer, and shall prescribe the manner in which his duties shall be performed.

SEC. 25. Sheriffs shall be elected in the several counties, on the Tuesday after the first Monday of November, 1966, and quadrennially thereafter, for the term of four years, commencing on the first day of June following their election. They shall become bound with sufficient sureties to the treasurer of the state, for the faithful discharge of the duties of their office. They shall be removable by the general assembly. In case the sheriff of any county shall die or resign, or shall be removed from office by the general assembly, the governor may fill the vacancy occasioned thereby, until the same shall be filled by the general assembly.

SEC. 26. A statement of all receipts, payments, funds, and debts of the state, shall be published from time to time, in such manner and at such periods, as shall be prescribed by law.

ARTICLE FIFTH.

OF THE JUDICIAL DEPARTMENT.

SEC. 1. The judicial power of the state shall be vested in a supreme court, a superior court, and such lower courts as the general assembly shall, from time to time, ordain and establish. The powers and jurisdiction of these courts shall be defined by law.

SEC. 2. The judges of the supreme court and of the superior court shall, upon nomination by the governor, be appointed by the general assembly in such manner as shall by law be prescribed. They shall hold their offices for the term of eight years, but may be removed by impeachment. The governor shall also remove them on the address of two-thirds of each house of the general assembly.

SEC. 3. Judges of the lower courts shall, upon nomination by the governor, be appointed by the general assembly in such manner as shall by law be prescribed, for terms of four years.

SEC. 4. Judges of probate shall be elected by the electors residing in their respective districts on the Tuesday after the first Monday of November, 1966, and quadrennially thereafter, and shall hold office for four years from and after the Wednesday after the first Monday of the next succeeding January.

Sec. 5. Justices of the peace for the several towns in the state shall be elected by the electors in such towns; and the time and manner of their election, the number for each town, the period for which they shall hold their offices and their jurisdiction shall be prescribed by law.

Sec. 6. No judge or justice of the peace shall be eligible to hold his office after he shall arrive at the age of seventy years, except that a chief justice or judge of the supreme court, a judge of the superior court, or a judge of the court of common pleas, who has attained the age of seventy years and has become a state referee may exercise, as shall be prescribed by law, the powers of the superior court or court of common pleas on matters referred to him as a state referee.

ARTICLE SIXTH.

OF THE QUALIFICATIONS OF ELECTORS.

Sec. 1. Every citizen of the United States who has attained the age of twenty-one years, who has resided in the town in which he offers himself to be admitted to the privileges of an elector at least six months next preceding the time he so offers himself, who is able to read in the English language any article of the constitution or any section of the statutes of the state, and who sustains a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector.

Sec. 2. The qualifications of electors as set forth in Section 1 of this article shall be decided at such times and in such manner as may be prescribed by law.

Sec. 3. The general assembly shall by law prescribe the offenses on conviction of which the privileges of an elector shall be forfeited and the conditions on which and methods by which such rights may be restored.

Sec. 4. Laws shall be made to support the privilege of free suffrage, prescribing the manner of regulating and conducting meetings of the electors, and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult and other improper conduct.

Sec. 5. In all elections of officers of the state, or members of the general assembly, the votes of the electors shall be by ballot, either written or printed, except that voting machines or other mechanical devices for voting may be used in all elections in the state, under such regulations as may be prescribed by law. The right of secret voting shall be preserved. At every election where candidates are listed by party designation and where voting machines or other mechanical devices are used, each elector shall be able at his option to vote for candidates for office under a single party designation by operating a straight ticket device, or to vote for candidates individually after first operating a straight ticket device, or to vote for candidates individually without first operating a straight ticket device.

Sec. 6. At all elections of officers of the state, or members of the general assembly, the electors shall be privileged from arrest, during their attendance upon, and going to, and returning from the same, on any civil process.

Sec. 7. The general assembly may provide by law for voting in the choice of any officer to be elected or upon any question to be voted on at an election by qualified voters of the state who are unable to appear at the polling place on the day of election because of absence from the city or town of which they are inhabitants or because of sickness or physical disability or because the tenets of their religion forbid secular activity.

Sec. 8. The general assembly may provide by law for the admission as electors in absentia of members of the armed forces, the United States merchant marine, members of religious or welfare groups or agencies attached to and serving with the armed forces and civilian employees of the United States, and the spouses and dependents of such persons.

Sec. 9. Any person admitted as an elector in any town shall, if he removes to another town, have the privileges of an elector in such other town after residing therein for six months. The general assembly shall prescribe by law the manner in which evidence of the admission of an elector and of the duration of his current residence shall be furnished to the town to which he removes.

Sec. 10. Every elector who has attained the age of twenty-one years shall be eligible to any office in the State, but no person who has not attained the age of twenty-one shall be eligible therefor, except in cases provided for in this constitution.

ARTICLE SEVENTH.
OF RELIGION.

It being the right of all men to worship the Supreme Being, the Great Creator and Preserver of the Universe, and to render that worship in a mode consistent with the dictates of their consciences, no person shall by law be compelled to join or support, nor be classed or associated with, any congregation, church or religious association. No preference shall be given by law to any religious society or denomination in the state. Each shall have and enjoy the same and equal powers, rights and privileges, and may support and maintain the ministers or teachers of its society or denomination, and may build and repair houses for public worship.

ARTICLE EIGHTH.
OF EDUCATION.

Sec. 1. There shall always be free public elementary and secondary schools in the state. The general assembly shall implement this principle by appropriate legislation.

Sec. 2. The state shall maintain a system of higher education, including The University of Connecticut, which shall be dedicated to excellence in higher education. The general assembly shall determine the size, number, terms and method of appointment of the governing boards of The University of Connecticut and of such constituent units or coordinating bodies in the system as from time to time may be established .

Sec. 3. The charter of Yale College, as modified by agreement with the corporation thereof, in pursuance of an act of the general assembly, passed in May, 1792, is hereby confirmed.

Sec. 4. The fund, called the SCHOOL FUND, shall remain a perpetual fund, the interest of which shall be inviolably appropriated to the support and encouragement of the public schools throughout the state, and for the equal benefit of all the people thereof. The value and amount of said fund shall be ascertained in such manner as the general assembly may prescribe, published, and recorded in the comptroller's office; and no law shall ever be made, authorizing such fund to be diverted to any other use than the encouragement and support of public schools, among the several school societies, as justice and equity shall require.

ARTICLE NINTH.
OF IMPEACHMENTS.

Sec. 1. The house of representatives shall have the sole power of impeaching.

Sec. 2. All impeachments shall be tried by the senate. When sitting for that purpose, they shall be on oath or affirmation. No person shall be convicted without the concurrence of at least two-thirds of the members present. When the governor is impeached, the chief justice shall preside.

Sec. 3. The governor, and all other executive and judicial officers, shall be liable to impeachment; but judgments in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit under the state. The party convicted, shall, nevertheless, be liable and subject to indictment, trial and punishment according to law.

Sec. 4. Treason against the state shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of at least two witnesses to the same overt act, or on confession in open court. No conviction of treason, or attainder, shall work corruption of blood, or forfeiture.

ARTICLE TENTH.

OF HOME RULE.

SEC. 1. The general assembly shall by general law delegate such legislative authority as from time to time it deems appropriate to towns, cities and boroughs relative to the powers, organization, and form of government of such political subdivisions. The general assembly shall from time to time by general law determine the maximum terms of office of the various town, city and borough elective offices. After July 1, 1969, the general assembly shall enact no special legislation relative to the powers, organization, terms of elective offices or form of government of any single town, city or borough, except as to (a) borrowing power, (b) validating acts, and (c) formation, consolidation or dissolution of any town, city or borough, unless in the delegation of legislative authority by general law the general assembly shall have failed to prescribe the powers necessary to effect the purpose of such special legislation.

SEC. 2. The general assembly may prescribe the methods by which towns, cities and boroughs may establish regional governments and the methods by which towns, cities, boroughs and regional governments may enter into compacts. The general assembly shall prescribe the powers, organization, form, and method of dissolution of any government so established.

ARTICLE ELEVENTH.

GENERAL PROVISIONS.

SEC. 1. Members of the general assembly, and all officers, executive and judicial, shall, before they enter on the duties of their respective offices, take the following oath or affirmation, to wit:

You do solemnly swear (or affirm, as the case may be) that you will support the constitution of the United States, and the constitution of the state of Connecticut, so long as you continue a citizen thereof; and that you will faithfully discharge, according to law, the duties of the office of .... to the best of your abilities. So help you God.

SEC. 2. Neither the general assembly nor any county, city, borough, town or school district shall have power to pay or grant any extra compensation to any public officer, employee, agent or servant, or increase the compensation of any public officer or employee, to take effect during the continuance in office of any person whose salary might be increased thereby, or increase the pay or compensation of any public contractor above the amount specified in the contract.

SEC. 3. In order to insure continuity in operation of state and local governments in a period of emergency resulting from disaster caused by enemy attack, the general assembly shall provide by law for the prompt and temporary succession to the powers and duties of all public offices, the incumbents of which may become unavailable for carrying on their powers and duties.

SEC. 4. Claims against the state shall be resolved in such manner as may be provided by law.

SEC. 5. The rights and duties of all corporations shall remain as if this constitution had not been adopted; with the exception of such regulations and restrictions as are contained in this constitution. All laws not contrary to, or inconsistent with, the provisions of this constitution shall remain in force, until they shall expire by their own limitation, or shall be altered or repealed by the general assembly, in pursuance of this constitution. The validity of all bonds, debts, contracts, as well of individuals as of bodies corporate, or the state, of all suits, actions, or rights of action, both in law and equity, shall continue as if no change had taken place. All officers filling any office by election or appointment shall continue to exercise the duties thereof, according to their respective commissions or appointments, until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

ARTICLE TWELFTH.

OF AMENDMENTS TO THE CONSTITUTION.

Amendments to this constitution may be proposed by any member of the senate or house of representatives. An amend-

ment so proposed, approved upon roll call by a yea vote of at least a majority, but by less than three-fourths, of the total membership of each house, shall be published with the laws which may have been passed at the same session and be continued to the regular session of the general assembly elected at the general election to be held on the Tuesday after the first Monday of November in the next even-numbered year. An amendment so proposed, approved upon roll call by a yea vote of at least three-fourths of the total membership of each house, or any amendment which having been continued from the previous general assembly is again approved upon roll call by a yea vote of at least a majority of the total membership of each house, shall, by the secretary of the state, be transmitted to the town clerk in each town in the state, whose duty it shall be to present the same to the electors thereof for their consideration at the general election to be held on the Tuesday after the first Monday of November in the next even-numbered year. If it shall appear, in a manner to be provided by law, that a majority of the electors present and voting on such amendment at such election shall have approved such amendment, the same shall be valid, to all intents and purposes, as a part of this constitution. Electors voting by absentee ballot under the provisions of the statutes shall be considered to be present and voting.

ARTICLE THIRTEENTH.

OF CONSTITUTIONAL CONVENTIONS.

Sec. 1. The general assembly may, upon roll call, by a yea vote of at least two-thirds of the total membership of each house, provide for the convening of a constitutional convention to amend or revise the constitution of the state not earlier than ten years from the date of convening any prior convention.

Sec. 2. The question "Shall there be a Constitutional Convention to amend or revise the Constitution of the State?" shall be submitted to all the electors of the state at the general election held on the Tuesday after the first Monday in November in the even-numbered year next succeeding the expiration of a period of twenty years from the date of convening of the last convention called to revise or amend the constitution of the state, including the Constitutional Convention of 1965, or next succeeding the expiration of a period of twenty years from the date of submission of such a question to all electors of the state, whichever date shall last occur. If a majority of the electors voting on the question shall signify "yes", the general assembly shall provide for such convention as provided in Section 3 of this article.

Sec. 3. In providing for the convening of a constitutional convention to amend or revise the constitution of the state the general assembly shall, upon roll call, by a yea vote of at least two-thirds of the total membership of each house, prescribe by law the manner of selection of the membership of such convention, the date of convening of such convention, which shall be not later than one year from the date of the roll call vote under Section 1 of this article or one year from the date of the election under Section 2 of this article, as the case may be, and the date for final adjournment of such convention.

Sec. 4. Proposals of any constitutional convention to amend or revise the constitution of the state shall be submitted to all the electors of the state not later than two months after final adjournment of the convention, either as a whole or in such parts and with such alternatives as the convention may determine. Any proposal of the convention to amend or revise the constitution of the state submitted to such electors in accordance with this section and approved by a majority of such electors voting on the question shall be valid, to all intents and purposes, as a part of this constitution. Such proposals when so approved shall take effect thirty days after the date of the vote thereon unless otherwise provided in the proposal.

ARTICLE FOURTEENTH.

OF THE EFFECTIVE DATE OF THIS CONSTITUTION.

This proposed constitution, submitted by the Constitutional Convention of 1965, shall become the constitution of the state of Connecticut upon approval by the people and proclamation by the governor as provided by law.

Adopted December 30, 1965

THE CONSTITUTION OF THE STATE of HAWAII

As Amended by the Constitutional Convention, 1968,
and Adopted by the Electorate on November 5, 1968

Archives Division
Department of Accounting and General Services
Honolulu, Hawaii

January 1969

PREAMBLE

We, the people of the State of Hawaii, grateful for Divine Guidance, and mindful of our Hawaiian heritage, reaffirm our belief in a government of the people, by the people and for the people, and with an understanding heart toward all the peoples of the earth do hereby ordain and establish this constitution for the State of Hawaii.

FEDERAL CONSTITUTION ADOPTED

The Constitution of the United States of America is adopted on behalf of the people of the State of Hawaii.

ARTICLE I
BILL OF RIGHTS

POLITICAL POWER

SECTION 1. All political power of this State is inherent in the people; and the responsibility for the exercise thereof rests with the people. All government is founded on this authority.

RIGHTS OF MAN

SECTION 2. All persons are free by nature and are equal in their inherent and inalienable rights. Among these rights are the enjoyment of life, liberty and the pursuit of happiness, and the acquiring and possessing of property. These rights cannot endure unless the people recognize their corresponding obligations and responsibilities.

FREEDOM OF RELIGION, SPEECH, PRESS, ASSEMBLY AND PETITION

SECTION 3. No law shall be enacted respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

DUE PROCESS AND EQUAL PROTECTION

SECTION 4. No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of his civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry.

SEARCHES, SEIZURES AND INVASION OF PRIVACY

SECTION 5. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches, seizures, and invasions of privacy shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized or the communications sought to be intercepted.

Amended 1968.

RIGHTS OF CITIZENS

SECTION 6. No citizen shall be disfranchised, or deprived of any of the rights or privileges secured to other citizens, unless by the law of the land.

ENLISTMENT, SEGREGATION

SECTION 7. No citizen shall be denied enlistment in any military organization of this State nor be segregated therein because of race, religious principles or ancestry.

INDICTMENT, DOUBLE JEOPARDY, SELF-INCRIMINATION

SECTION 8. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the armed forces when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy; nor shall any person be compelled in any criminal case to be a witness against himself.

BAIL, EXCESSIVE PUNISHMENT

SECTION 9. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. The court may dispense with bail if reasonably satisfied that the defendant or witness will appear when directed, except for a defendant charged with an offense punishable by life imprisonment.

Amended 1968.

TRIAL BY JURY, CIVIL CASES

SECTION 10. In suits at common law where the value in controversy shall exceed one hundred dollars, the right of trial by jury shall be preserved. The legislature may provide for a verdict by not less than three-fourths of the members of the jury.

RIGHTS OF ACCUSED

SECTION 11. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the district wherein the crime shall have been committed, which district shall have been previously ascertained by law, or of such other district to which the prosecution may be removed with the consent of the accused; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense. The State shall provide counsel for an indigent defendant charged with an offense punishable by imprisonment for more than sixty days.

Amended 1968.

JURY SERVICE

SECTION 12. No person shall be disqualified to serve as a juror because of sex.

HABEAS CORPUS AND SUSPENSION OF LAWS

SECTION 13. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

The power of suspending the privilege of the writ of habeas corpus, and the laws or the execution thereof, shall never be exercised except by the legislature, or by authority derived from it to be exercised in such particular cases only as the legislature shall expressly prescribe.

SUPREMACY OF CIVIL POWER

SECTION 14. The military shall be held in strict subordination to the civil power.

RIGHT TO BEAR ARMS

SECTION 15. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

QUARTERING OF SOLDIERS

SECTION 16. No soldier or member of the militia shall, in time of peace, be quartered in any house, without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

IMPRISONMENT FOR DEBT

SECTION 17. There shall be no imprisonment for debt.

EMINENT DOMAIN

SECTION 18. Private property shall not be taken or damaged for public use without just compensation.

Amended 1968.

LIMITATIONS ON SPECIAL PRIVILEGES

SECTION 19. The power of the State to act in the general welfare shall never be impaired by the making of any irrevocable grant of special privileges or immunities.

CONSTRUCTION

SECTION 20. The enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

ARTICLE II
SUFFRAGE AND ELECTIONS

QUALIFICATIONS

SECTION 1 Every citizen of the United States who shall have attained the age of twenty years, have been a resident of this State not less than one year next preceding the election and be a voter registered in accordance with law, shall be qualified to vote in any state or local election.

Amended 1968.

DISQUALIFICATIONS

SECTION 2. No person who is non compos mentis shall be qualified to vote. No person convicted of a felony shall be qualified to vote except upon his final discharge or earlier as provided by law.

Amended 1968.

RESIDENCE

SECTION 3. No person shall be deemed to have gained or lost residence simply because of his presence or absence while employed in the service of the United States, or while engaged in navigation or while a student at any institution of learning.

REGISTRATION, VOTING

SECTION 4. The legislature shall provide for the registration of voters and for absentee voting; and shall prescribe the method of voting at all elections. Secrecy of voting shall be preserved.

GENERAL AND SPECIAL ELECTIONS

SECTION 5. General elections shall be held on the first Tuesday after the first Monday in November in all even-numbered years. Special elections may be held in accordance with law.

Amended 1968.

PRESIDENTIAL PREFERENCE PRIMARY

SECTION 6. A presidential preference primary may be held in accordance with law.

Added 1968.

CONTESTED ELECTIONS

SECTION 7. Contested elections shall be determined by a court of competent jurisdiction in such manner as shall be provided by law.

Renumbered 1968; formerly part of Sec. 5.

ARTICLE III
THE LEGISLATURE

LEGISLATIVE POWER

SECTION 1. The legislative power of the State shall be vested in a legislature, which shall consist of two houses, a senate and a house of representatives. Such power shall extend to all rightful subjects of legislation not inconsistent with this constitution or the Constitution of the United States.

SENATE; COMPOSITION

SECTION 2. The senate shall be composed of twenty-five members, who shall be elected by the qualified voters of the respective senatorial districts. Until the next reapportionment the senatorial districts and the number of senators to be elected from each shall be as set forth in the Schedule.

Amended 1968.

HOUSE OF REPRESENTATIVES; COMPOSITION

SECTION 3. The house of representatives shall be composed of fifty-one members, who shall be elected by the qualified voters of the respective representative districts. Until the next reapportionment, the representative districts and the number of representatives to be elected from each shall be as set forth in the Schedule.

REAPPORTIONMENT
REAPPORTIONMENT YEARS

SECTION 4. The year 1973 and every eighth year thereafter shall be reapportionment years.

REAPPORTIONMENT COMMISSION

A legislative reapportionment commission shall be constituted on or before March 1 of each reapportionment year and whenever reapportionment is required by court order. The commission shall consist of nine members. The president of the senate and the speaker of the house of representatives shall each select two members. Members of each house belonging to the party or parties different from that of the president or the speaker shall designate one of their number for each house and the two so designated shall each select two members of the commission. The eight members so selected shall, promptly after selection, be certified by the selecting authorities to the chief election officer and shall within thirty days thereafter select, by a vote of six members, and promptly certify to the chief election officer the ninth member who shall serve as chairman of the commission.

Each of the four officials designated above as selecting authorities for the eight members of the commission shall, at the time of the commission selections, also select one person from each basic island unit to an apportionment advisory council for that island unit. The councils shall remain in existence during the life of the commission and each shall serve in an advisory capacity to the commission for matters affecting its island unit.

A vacancy in the commission or a council shall be filled by the initial selecting authority within fifteen days after the vacancy occurs. Commission and council positions and vacancies not filled within the times specified shall be filled promptly thereafter by the supreme court.

The commission shall act by majority vote of its membership and shall establish its own procedures except as may be provided by law.

Not more than one hundred twenty days from the date on which its members are certified the commission shall file with the chief election officer a reapportionment plan, which shall become law after publication as provided by law. Members of the commission shall hold office until the reapportionment plan becomes effective or until such time as may be provided by law.

No member of the reapportionment commission or an apportionment advisory council shall be eligible to become a candidate for election to either house of the legislature in either of the first two elections under any such reapportionment plan.

Commission and apportionment advisory council members shall be compensated and reimbursed for their necessary expenses as provided by law.

The chief election officer shall be secretary of the commission without vote and, under the direction of the commission, shall furnish all necessary technical services. The legislature shall appropriate funds to enable the commission to carry out its duties.

CHIEF ELECTION OFFICER

The legislature shall provide for a chief election officer of the State, whose responsibilities shall be as prescribed by law and shall include the supervision of state elections, the maximization of registration of eligible voters throughout the State and the maintenance of data concerning registered voters, elections, apportionment and districting.

APPORTIONMENT AMONG BASIC ISLAND UNITS

The commission shall allocate the total number of members of each house being reapportioned among the four basic island units, namely (1) the island of Hawaii, (2) the islands of Maui, Lanai, Molokai and Kahoolawe, (3) the island of Oahu and all other islands not specifically enumerated, and (4) the islands of Kauai and Niihau, on the basis of the number of voters registered in the last preceding general election in each of the basic island units and computed by the method known as the method of equal proportions, except that no basic island unit shall receive less than one member in each house.

MINIMUM REPRESENTATION FOR BASIC ISLAND UNITS

The representation of any basic island unit initially allocated less than a minimum of two senators and three representatives shall be augmented by allocating thereto the number of senators or representatives necessary to attain such minimums which number, notwithstanding the provisions of Sections 2 and 3 of this article shall be added to the membership of the appropriate body until the next reapportionment. The senators or representatives of any basic island unit so augmented shall exercise a fractional vote wherein the numerator is the number initially allocated and the denominator is the minimum above specified.

APPORTIONMENT WITHIN BASIC ISLAND UNITS

Upon the determination of the total number of members of each house to which each basic island unit is entitled, the commission shall apportion the members among the districts therein and shall redraw district lines where necessary in such manner that for each house the average number of registered voters per member in each district is as nearly equal to the average for the basic island unit as practicable.

In effecting such redistricting, the commission shall be guided by the following criteria:

1. No district shall extend beyond the boundaries of any basic island unit.
2. No district shall be so drawn as to unduly favor a person or political faction.
3. Except in the case of districts encompassing more than one island, districts shall be contiguous.
4. Insofar as practicable, districts shall be compact.
5. Where possible, district lines shall follow permanent and easily recognized features, such as streets, streams and clear geographical features, and when practicable shall coincide with census tract boundaries.
6. Where practicable, representative districts shall be wholly included within senatorial districts.
7. Not more than four members shall be elected from any district.
8. Where practicable, submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided.

MANDAMUS AND JUDICIAL REVIEW

Original jurisdiction is vested in the supreme court of the State to be exercised on the petition of any registered voter whereby it may compel, by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in a reapportionment plan, or it may take such other action to effectuate the purposes of this section as it may deem appropriate. Any such petition must be filed within forty-five days of the date specified for any duty or within forty-five days after the filing of a reapportionment plan.

Amended 1968.

ELECTION OF MEMBERS; TERM

SECTION 5. The members of the legislature shall be elected at general elections. The term of office of members of the house of representatives shall be two years beginning with their election and ending on the day of the next general election, and the term of office of members of the senate shall be four years beginning with their election and ending on the day of the second general election after their election.

VACANCIES

SECTION 6. Any vacancy in the legislature shall be filled for the unexpired term in such manner as may be prescribed by law, or, if no provision be made by law, by appointment by the governor for the unexpired term.

QUALIFICATIONS OF MEMBERS

SECTION 7. No person shall be eligible to serve as a member of the senate unless he shall have been a resident of the State for not less than three years, have attained the age of majority and be a qualified voter of the senatorial district from which he seeks to be elected. No person shall be eligible to serve as a member of the house of representatives unless he shall have been a resident of the State for not less than three years, have attained the age of majority and be a qualified voter of the representative district from which he seeks to be elected.

Amended 1968.

PRIVILEGES OF MEMBERS

SECTION 8. No member of the legislature shall be held to answer before any other tribunal for any statement made or action taken in the exercise of his legislative functions; and members of the legislature shall, in all cases except felony or breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same.

DISQUALIFICATIONS OF MEMBERS

SECTION 9. No member of the legislature shall hold any other public office under the State, nor shall he, during the term for which he is elected or appointed, be elected or appointed to any public office or employment which shall have been created, or the emoluments whereof shall have been increased, by legislative act during such term. The term "public office", for the purposes of this section, shall not include notaries public, reserve police officers or officers of emergency organizations for civilian defense or disaster relief. The legislature may prescribe further disqualifications.

SALARY; ALLOWANCES; COMMISSION ON LEGISLATIVE SALARY

SECTION 10. The members of the legislature shall receive allowances reasonably related to expenses and a salary, as prescribed by law. Any change in salary shall not apply to the legislature that enacted the same.

There shall be a commission on legislative salary, which shall be appointed by the governor on or before June 1, 1971, and every four years after the first commission is appointed. Within sixty days after its appointment, the commission shall submit to the legislature recommendations for a salary plan for members of the legislature, and then dissolve.

Amended 1968.

SESSIONS

SECTION 11. The legislature shall convene annually in regular session at 10:00 o'clock a.m. on the third Wednesday in January.

At the written request of two-thirds of the members to which each house is entitled, the presiding officers of both houses shall convene the legislature in special session. The governor may convene both houses or the senate alone in special session.

Regular sessions shall be limited to a period of sixty days, and special sessions shall be limited to a period of thirty days. Any session may be extended a total of not more than fifteen days. Such extension shall be granted by the presiding officers of both houses at the written request of two-thirds of the members to which each house is entitled or may be granted by the governor.

Any session may be recessed by concurrent resolution adopted by a majority of the members to which each house is entitled. Saturdays, Sundays, holidays and any days in recess pursuant to a concurrent resolution shall be excluded in computing the number of days of any session.

All sessions shall be held in the capital of the State. In case the capital shall be unsafe, the governor may direct that any session be held at some other place.

Amended 1968.

ADJOURNMENT

SECTION 12. Neither house shall adjourn during any session of the legislature for more than three days, or sine die, without the consent of the other.

ORGANIZATION; DISCIPLINE; RULES; PROCEDURE

SECTION 13. Each house shall be the judge of the elections, returns and qualifications of its own members and shall have, for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member by censure or, upon a two-thirds vote of all the members to which such house is entitled, by suspension or expulsion of such member. Each house shall choose its own officers, determine the rules of its proceedings and keep a journal. The

ayes and noes of the members on any question shall, at the desire of one-fifth of the members present, be entered upon the journal.

Twenty days after a bill has been referred to a committee in either house, the same may be recalled from such committee by the affirmative vote of one-third of the members to which such house is entitled.

QUORUM; COMPULSORY ATTENDANCE

SECTION 14. A majority of the number of members to which each house is entitled shall constitute a quorum of such house for the conduct of ordinary business, of which quorum a majority vote shall suffice; but the final passage of a bill in each house shall require the vote of a majority of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal. A smaller number than a quorum may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

BILLS; ENACTMENT

SECTION 15. No law shall be passed except by bill. Each law shall embrace but one subject, which shall be expressed in its title. The enacting clause of each law shall be, "Be it enacted by the legislature of the State of Hawaii."

PASSAGE OF BILLS

SECTION 16. No bill shall become law unless it shall pass three readings in each house on separate days. No bill shall pass third or final reading in either house unless printed copies of the bill in the form to be passed shall have been made available to the members of that house for at least twenty-four hours.

Every bill when passed by the house in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and clerk and sent to the other house for consideration.

Any bill pending at the final adjournment of a regular session in an odd-numbered year shall carry over with the same status to the next regular session. Before the carried-over bill is enacted, it shall pass at least one reading in the house in which the bill originated.

Amended 1968.

APPROVAL OR VETO

SECTION 17. Every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses and shall thereupon be presented to the governor. If he approves it, he shall sign it and it shall become law. If the governor does not approve such bill, he may return it, with his objections to the legislature. He may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same; but he shall veto other bills, if at all, only as a whole.

The governor shall have ten days to consider bills presented to him ten or more days before the adjournment of the legislature sine die, and if any such bill is neither signed nor returned by the governor within that time, it shall become law in like manner as if he had signed it.

RECONSIDERATION AFTER ADJOURNMENT

The governor shall have forty-five days, after the adjournment of the legislature sine die, to consider bills presented to him less than ten days before such adjournment, or presented after adjournment, and any such bill shall become law on the forty-fifth day unless the governor by proclamation shall have given ten days' notice to the legislature that he plans to return such bill with his objections on that day. The legislature may convene at or before noon on the forty-fifth day in special session, without call, for the sole purpose of acting upon any such bill returned by the governor. In case the legislature shall fail to so convene, such bill shall not become law. Any such bill may be amended to meet the governor's objections and, if so amended and passed, only one reading being required in each house for such passage, it shall be presented again to the governor, but shall become law only if he shall sign it within ten days after presentation.

In computing the number of days designated in this section, the following days shall be excluded: Saturdays, Sundays, holidays, and any days in which the legislature is in recess prior to its adjournment as provided in Section 11.

Amended 1968.

PROCEDURES UPON VETO

SECTION 18. Upon the receipt of a veto message from the governor, each house shall enter the same at large upon its journal and proceed to reconsider the vetoed bill, or the item or items vetoed, and again vote upon such bill, or such item or items, by ayes and noes, which shall be entered upon its journal. If after such reconsideration such bill, or such item or items, shall be approved by a two-thirds vote of all members to which each house is entitled, the same shall become law.

PUNISHMENT OF NONMEMBERS

SECTION 19. Each house may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either house who shall be guilty of disrepect of such house by any disorderly or contemptuous behavior in its presence or that of any committee thereof; or who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of such house; or who shall assault, arrest or detain any witness or other person ordered to attend such house, on his way going to or returning therefrom; or who shall rescue any person arrested by order of such house.

Any person charged with such an offense shall be informed in writing of the charge made against him, and have opportunity to present evidence and be heard in his own defense.

IMPEACHMENT

SECTION 20. The governor and lieutenant governor, and any appointive officer for whose removal the consent of the senate is required, may be removed

from office upon conviction of impeachment for such causes as may be provided by law.

The house of representatives shall have the sole power of impeachment of the governor and lieutenant governor and the senate the sole power to try such impeachments, and no such officer shall be convicted without the concurrence of two-thirds of the members of the senate. When sitting for that purpose, the members of the senate shall be on oath or affirmation and the chief justice shall preside. Subject to the provisions of this paragraph, the legislature may provide for the manner and procedure of removal by impeachment of such officers.

The legislature shall by law provide for the manner and procedure of removal by impeachment of the appointive officers.

Judgments in cases of impeachment shall not extend beyond removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the State; but the person convicted may nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

ARTICLE IV
THE EXECUTIVE

ESTABLISHMENT OF THE EXECUTIVE

SECTION 1. The executive power of the State shall be vested in a governor.

The governor shall be elected by the qualified voters of this State at a general election. The person receiving the highest number of votes shall be the governor. In case of a tie vote, the selection of the governor shall be determined in accordance with law.

The term of office of the governor shall begin at noon on the first Monday in December next following his election and end at noon on the first Monday in December, four years thereafter.

No person shall be eligible for the office of governor unless he shall be a qualified voter, have attained the age of thirty years, and have been a resident of this State for five years immediately preceding his election.

The governor shall not hold any other office or employment of profit under the State or the United States during his term of office.

Amended 1968.

LIEUTENANT GOVERNOR

SECTION 2. There shall be a lieutenant governor, who shall have the same qualifications as the governor. He shall be elected at the same time, for the same term, and in the same manner, as the governor; provided that the votes cast in the general election for the nominee for governor shall be deemed cast for the nominee for lieutenant governor of the same political party. He shall perform such duties as may be prescribed by law.

Amended 1964.

COMPENSATION: GOVERNOR, LIEUTENANT GOVERNOR

SECTION 3. The compensation of the governor and of the lieutenant governor shall be prescribed by law, but shall not be less than thirty-three thousand five hundred dollars, and twenty-seven thousand five hundred dollars, respectively, a year. Such compensation shall not be increased or decreased for their respective terms, unless by general law applying to all salaried officers of the State. When the lieutenant governor succeeds to the office of governor, he shall receive the compensation for that office.

Amended 1968.

SUCCESSION TO GOVERNORSHIP; ABSENCE OR DISABILITY OF GOVERNOR

SECTION 4. When the office of governor is vacant, the lieutenant governor shall become governor. In the event of the absence of the governor from the State, or his inability to exercise and discharge the powers and duties of his office, such powers and duties shall devolve upon the lieutenant governor during such absence or disability.

When the office of lieutenant governor is vacant, or in the event of the absence of the lieutenant governor from the State, or his inability to exercise and discharge the powers and duties of his office, such powers and duties shall devolve upon such officers in such order of succession as may be provided by law.

In the event of the impeachment of the governor or of the lieutenant governor, he shall not exercise the powers of his office until acquitted.

EXECUTIVE POWERS

SECTION 5. The governor shall be responsible for the faithful execution of the laws. He shall be commander in chief of the armed forces of the State and may call out such forces to execute the laws, suppress or prevent insurrection or lawless violence or repel invasion. He shall, at the beginning of each session, and may, at other times, give to the legislature information concerning the affairs of the State and recommend to its consideration such measures as he shall deem expedient.

The governor may grant reprieves, commutations and pardons, after conviction, for all offenses, subject to regulation by law as to the manner of applying for the same. The legislature may, by general law, authorize the governor to grant pardons before conviction, to grant pardons for impeachment and to restore civil rights denied by reason of conviction of offenses by tribunals other than those of this State.

The governor shall appoint an administrative director to serve at his pleasure.

EXECUTIVE AND ADMINISTRATIVE OFFICES AND DEPARTMENTS

SECTION 6. All executive and administrative offices, departments and instrumentalities of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments in such manner as to group the same according to major purposes so far as practicable. Temporary commissions or agencies for special purposes may be established by law and need not be allocated within a principal department.

Each principal department shall be under the

supervision of the governor and, unless otherwise provided in this constitution or by law, shall be headed by a single executive. Such single executive shall be nominated and, by and with the advice and consent of the senate, appointed by the governor and he shall hold office for a term to expire at the end of the term for which the governor was elected, unless sooner removed by the governor; except that the removal of the chief legal officer of the State shall be subject to the advice and consent of the senate.

Except as otherwise provided in this constitution, whenever a board, commission or other body shall be the head of a principal department of the state government, the members thereof shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. The term of office and removal of such members shall be as prescribed by law. Such board, commission or other body may appoint a principal executive officer, who, when authorized by law, may be ex officio a voting member thereof, and who may be removed by a majority vote of the members appointed by the governor.

The governor shall nominate and, by and with the advice and consent of the senate, appoint all officers for whose election or appointment provision is not otherwise made by this constitution or by law. If the manner of removal of an officer is not prescribed in this constitution, his removal shall be in a manner prescribed by law.

When the senate is not in session and a vacancy occurs in any office, appointment to which requires the confirmation of the senate, the governor may fill the office by granting a commission which shall, unless such appointment is confirmed, expire at the end of the next session of the senate; but the person so appointed shall not be eligible for another interim appointment to such office if the appointment shall have failed of confirmation by the senate.

No person who has been nominated for appointment to any office and whose appointment has not received the consent of the senate shall be eligible to an interim appointment thereafter to such office.

Every officer appointed under the provisions of this section shall be a citizen of the United States and shall have been a resident of this State for at least one year immediately preceding his appointment; except that this residence requirement shall not apply to the president of the University of Hawaii.

Amended 1968.

ARTICLE V
THE JUDICIARY

JUDICIARY POWER

SECTION 1. The judicial power of the State shall be vested in one supreme court, circuit courts, and in such inferior courts as the legislature may from time to time establish. The several courts shall have original and appellate jurisdiction as provided by law.

SUPREME COURT

SECTION 2. The supreme court shall consist of a chief justice and four associate justices. When necessary, the chief justice shall assign a judge or judges of a circuit court to serve temporarily on the supreme court. As prescribed by law, retired justices of the supreme court also may serve temporarily on the supreme court at the request of the chief justice. In case of a vacancy in the office of chief justice, or if he is ill, absent or otherwise unable to serve, an associate justice designated in accordance with the rules of the supreme court shall serve temporarily in his place.

Amended 1968.

APPOINTMENT OF JUSTICES AND JUDGES

SECTION 3. The governor shall nominate and, by and with the advice and consent of the senate, appoint the justices of the supreme court and the judges of the circuit courts. No nomination shall be sent to the senate, and no interim appointment shall be made when the senate is not in session, until after ten days' public notice by the governor.

QUALIFICATIONS

No justice or judge shall hold any other office or position of profit under the State or the United States. No person shall be eligible for the office of justice or judge unless he shall have been admitted to practice law before the supreme court of this State for at least ten years. Any justice or judge who shall become a candidate for an elective office shall thereby forfeit his office.

TENURE; COMPENSATION; RETIREMENT

The term of office of a justice of the supreme court and of a judge of a circuit court shall be ten years. They shall receive for their services such compensation as may be prescribed by law, but no less than twenty-eight thousand dollars for the chief justice, twenty-seven thousand dollars for associate justices and twenty-five thousand dollars for circuit court judges, a year. Their compensation shall not be decreased during their respective terms of office, unless by general law applying to all salaried officers of the State. They shall be retired upon attaining the age of seventy years. They shall be included in any retirement law of the State.

Amended 1968.

RETIREMENT FOR INCAPACITY AND REMOVAL

SECTION 4. Whenever a commission or agency, authorized by law for such purpose, shall certify to the governor that any justice of the supreme court or judge of a circuit court appears to be so incapacitated as substantially to prevent him from performing his judical duties or has acted in a manner that constitutes wilful misconduct in office, wilful and persistent failure to perform his duties, habitual intemperance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute, the governor shall appoint a board of three persons, as provided by law, to inquire into the circumstances. If the board recommends that the justice or judge should not remain in office, the governor shall remove or retire him from office.

Amended 1968.

ADMINISTRATION

SECTION 5. The chief justice of the supreme court shall be the adminstrative head of the courts. He may assign judges from one circuit court to another for temporary service. With the approval of the supreme court he shall appoint an administrative director to serve at his pleasure.

RULES

SECTION 6. The supreme court shall have power to promulgate rules and regulations in all civil and criminal cases for all courts relating to process, practice, procedure and appeals, which shall have the force and effect of law.

ARTICLE VI
TAXATION AND FINANCE

TAXING POWER INALIENABLE

SECTION 1. The power of taxation shall never be surrendered, suspended or contracted away.

APPROPRIATIONS FOR PRIVATE PURPOSES PROHIBITED

SECTION 2. No tax shall be levied or appropriation of public money or property made, nor shall the public credit be used, directly or indirectly, except for a public purpose. No grant shall be made in violation of Section 3 of Article I of this constitution.

Renumbered; formerly Sec. 6.

BONDS; DEBT LIMITATIONS

SECTION 3. For the purposes of this section, the term "bonds" shall include bonds, notes and other instruments of indebtedness; the term "general obligation bonds" means all bonds for the payment of the principal and interest of which the full faith and credit of the State or a political subdivsion are pledged; and the term "revenue bonds" means all bonds payable solely from and secured solely by the revenues, or user taxes, or any combination of both, of a public undertaking, improvement or system.

All bonds issued by or on behalf of the State or a political subdivision must be authorized by the legislature, and bonds of a political subdivision must also be authorized by its governing body.

Bonds may be issued by the State when authorized by a two-thirds vote of the members to which each house of the legislature is entitled, provided that such bonds at the time of authorization would not cause the total of state indebtedness to exceed a sum equal to three and one-half times the average of the general fund revenues of the State in the three fiscal years immediately preceding the session of the legislature authorizing such issuance. For the purpose of this paragraph, general fund revenues of the State shall not include monies received as grants from the federal government and receipts in reimbursement of any indebtedness that is excluded in computing the total indebtedness of the State.

By majority vote of the members to which each house of the legislature is entitled and without regard to any debt limit, there may be issued by or on behalf of the State: bonds to meet appropriations for any fiscal period in anticipation of the collection of revenues for such period or to meet casual deficits or failures of revenue, if required to be paid within one year; bonds to suppress insurrection, to repel invasion, to defend the State in war or to meet emergencies caused by disaster or act of God; and revenue bonds.

A sum equal to fifteen percent of the total of the assessed values for tax rate purposes of real property in any political subdivision, as determined by the last tax assessment rolls pursuant to law, is established as the limit of the funded debt of such political subdivision that is outstanding and unpaid at any time.

Bonds to meet appropriations for any fiscal period in anticipation of the collection of revenues for such period or to meet casual deficits or failures of revenue, if required to be paid within one year, may be issued by any political subdivision under authorization of law and of its governing body without regard to any debt limit.

All general obligation bonds for a term exceeding one year shall be in serial form maturing in substantially equal installments of principal, or maturing in substantially equal installment of both principal and interest, the first installment of principal to mature not later than five years from the date of the issue of such series, and the last installment not later than thirty-five years from the date of such issue. The interest and principal payments of general obligation bonds shall be a first charge on the general fund of the State or political subdivision, as the case may be.

In determining the total indebtedness of the State or funded debt of any political subdivision, the following shall be excluded:

(a) Bonds that have matured, or that mature in the then current fiscal year, or that have been irrevocably called for redemption and the redemption date has occurred or will occur in the then fiscal year, and for the full payment of which monies have been irrevocably set aside.

(b) Revenue bonds, authorized or issued, if the issuer thereof is obligated by law to impose rates and charges for the use and services of the public undertaking, improvement or system, or to impose a user tax, or to impose a combination of rates and charges and user tax, as the case may be, sufficient to pay the cost of operation, maintenance and repair of the public undertaking, improvement or system and the required payments of the principal of and interest on all revenue bonds issued for the public undertaking, improvement or system, and if the issuer is obligated to deposit such revenues or tax or a combination of both into a special fund and to apply the same to such payments in the amount necessary therefor. For the purposes of this section a user tax shall mean a tax on goods or services or on the consumption thereof, the receipts of which are substantially derived from the consumption, use or sale of goods and services in the utilization of the functions or services furnished by the public undertaking, improvement or system.

(c) Bonds authorized or issued under special improvement statutes when the only security for such bonds is the properties benefited or improved or the assessments thereon.

(d) General obligation bonds authorized or issued for assessable improvements, but only to the extent that reimbursements to the general fund for the principal and interest on such bonds are in fact made from assessment collections available therefor.

(e) General obligation bonds issued for a public undertaking, improvement or system from which revenues, user taxes, or a combination of both may be derived for the payment of all or part of the principal and interest as reimbursement to the general fund, but only to the extent that reimbursements to the general fund are in fact made from the net revenue, net user tax receipts, or combination of both, as determined for the immediately preceding fiscal year. For the purposes of this section, net revenue or net user tax receipts shall be the revenue or receipts remaining after the costs of operation, maintenance and repair of such public undertaking, improvement or system and the required payments of the principal of and interest on all revenue bonds issued therefor have been made.

(f) General obligation bonds of the State, authorized but unissued, for an existing public undertaking, improvement or system that produces revenues, or user tax receipts, or a combination of both, but only if in the fiscal year immediately preceding the authorization, the public undertaking, improvement or system produced a net revenue, net user taxes or a combination of both, that was sufficient to pay into the general fund the full amount of the principal and interest then due for all general obligation bonds then outstanding for such public undertaking, improvement or system.

(g) General obligation bonds of the State, authorized but unissued, for an existing public undertaking, improvement or system that has not been self-sustaining as determined for the immediately preceding fiscal year, and that produces revenues, or user tax receipts, or a combination of both, but only if the rates or charges for the use and services of the undertaking have been, or the rate of such user tax has been, increased by law or by the issuing body as authorized by law, in an amount that is determined will produce sufficient net revenue or net user taxes, or any combination thereof, for reimbursement to the general fund for the payment of principal and interest on all general obligation bonds then outstanding and authorized for such public undertaking, improvement or system.

(h) General obligation bonds issued by the State for any political subdivision, whether issued before or after the effective date of this section, but only for as long as reimbursement by the political subdivision to the State for the payment of principal and interest on such bonds is required by law; provided that in the case of bonds authorized or issued after the effective date of this amendment, the consent of the governing body of the political subdivision has first been obtained; and provided further that during the period that such bonds are excluded from total indebtedness of the State, the principal amount then outstanding shall be included within the funded debt of such political subdivision.

Determinations of the exclusions from the total indebtedness of the State or funded debt of any political subdivision provided for in this section shall be made annually and certified by law or as prescribed by law. For the purposes of this section, amounts received from on-street parking may be considered and treated as revenues of a parking undertaking.

Nothing in this section shall prevent the refunding of any bond at any time.

Amended 1968.

THE BUDGET

SECTION 4. Within such time prior to the opening of each regular session in an odd-numbered year as may be prescribed by law, the governor shall submit to the legislature a budget setting forth a complete plan of proposed expenditures and anticipated receipts of the State for the ensuing fiscal biennium, together with such other information as the legislature may require. The budget shall be submitted in a form prescribed by law. The governor shall also, upon the opening of each such session, submit bills to provide for such proposed expenditures and for any recommended additional revenues or borrowings by which the proposed expenditures are to be met. Such bills shall be introduced in the legislature upon the opening of each such session.

Amended 1968.

LEGISLATIVE APPROPRIATIONS; PROCEDURES

SECTION 5. In each regular session in an odd-numbered year, the legislature shall transmit to the governor an appropriation bill or bills providing for the anticipated total expenditures of the State for the ensuing fiscal biennium. In such session, no appropriation bill, except bills recommended by the governor for immediate passage, or to cover the expenses of the legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the governor.

In each regular session in an even-numbered year, at such time as may be prescribed by law, the governor may submit to the legislature a bill to amend any appropriation for operating expenditures of the current fiscal biennium, to be known as the supplemental appropriations bill, and bills to amend any appropriations for capital expenditures of the current fiscal biennium, and at the same time he shall submit a bill or bills to provide for any added revenues or borrowings that such amendments may require. In each regular session in an even-numbered year, bills may be introduced in the legislature to amend any appropriation act or bond authorization act of the current fiscal biennium or prior fiscal periods. In any such session in which the legislature submits to the governor a supplemental appropriations bill, no other appropriation bill, except bills recommended by the governor for immediate passage, or to cover the expenses of the legislature, shall be passed on final reading until such supplemental appropriations bills shall have been transmitted to the governor.

Amended 1968.

EXPENDITURE CONTROLS

SECTION 6. Provision for the control of the rate of expenditures of appropriated state monies, and for the reduction of such expenditures under prescribed conditions, shall be made by law.

Renumbered, formerly Sec. 7.

AUDITOR

SECTION 7. The legislature, by a majority vote of each house in joint session, shall appoint an auditor who shall serve for a period of eight years and thereafter until a successor shall have been appointed. The legislature, by a two-thirds vote of the members in joint session, may remove the auditor from office at any time for cause. It shall be the duty of the auditor to conduct post-audits of all transactions and of all accounts kept by or for all departments, offices and agencies of the State and its political subdivisions, to certify to the accuracy of all financial statements issued by the respective accounting officers and to report his findings and recommendations to the governor and to the legislature at such times as shall be prescribed by law. He shall also make such additional reports and conduct such other investigations as may be directed by the legislature.

Renumbered; formerly Sec. 8.

ARTICLE VII
LOCAL GOVERNMENT

POLITICAL SUBDIVISIONS; CREATION, POWERS

SECTION 1. The legislature shall create counties, and may create other political subdivisions within the State, and provide for the government thereof. Each political subdivision shall have and exercise such powers as shall be conferred under general laws.

LOCAL SELF-GOVERNMENT; CHARTER

SECTION 2. Each political subdivision shall have power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be prescribed by general law. The prescribed procedures, however, shall not require the approval of a charter by a legislative body.

Charter provisions with respect to a political subdivision's executive, legislative and administrative structure and organization shall be superior to statutory provisions, subject to the authority of the legislature to enact general laws allocating and reallocating powers and functions.

A law may qualify as a general law even though it is inapplicable to one or more counties by reason of the provisions of this section.

Amended 1968.

TAXATION AND FINANCE

SECTION 3. The taxing power shall be reserved to the State except so much thereof as may be delegated by the legislature to the political subdivisions, and the legislature shall have the power to apportion state revenues among the several political subdivisions.

MANDATES; ACCRUED CLAIMS

SECTION 4. No law shall be passed mandating any political subdivision to pay any previously accrued claim.

STATE-WIDE LAWS

SECTION 5. This article shall not limit the power of the legislature to enact laws of state-wide concern.

ARTICLE VIII
PUBLIC HEALTH AND WELFARE

PUBLIC HEALTH

SECTION 1. The State shall provide for the protection and promotion of the public health.

CARE OF HANDICAPPED

SECTION 2. The State shall have power to provide for treatment and rehabilitation, as well as domiciliary care, of mentally or physically handicapped persons.

PUBLIC ASSISTANCE

SECTION 3. The State shall have power to provide assistance for persons unable to maintain a standard of living compatible with decency and health.

SLUM CLEARANCE, REHABILITATION AND HOUSING

SECTION 4. The State shall have power to provide for, or assist in, slum clearance and the development or rehabilitation of substandard areas, including housing for persons of low income.

PUBLIC SIGHTLINESS AND GOOD ORDER

SECTION 5. The State shall have power to conserve and develop its natural beauty, objects and places of historic or cultural interest, sightliness and physical good order, and for that purpose private property shall be subject to reasonable regulation.

ARTICLE IX
EDUCATION

PUBLIC EDUCATION

SECTION 1. The State shall provide for the establishment, support and control of a statewide system of public schools free from sectarian control, a state university, public libraries and such other educational institutions as may be deemed desirable, including physical facilities therefor. There shall be no segregation in public educational institutions because of race, religion or ancestry; nor shall public funds be appropriated for the support or benefit of any sectarian or private educational institution.

BOARD OF EDUCATION

SECTION 2. There shall be a board of education composed of members who shall be elected by qualified voters in accordance with law. At least part of the membership of the board shall represent geographic subdivisions of the State.

Amended 1964.

POWER OF THE BOARD OF EDUCATION

SECTION 3. The board of education shall have power, in accordance with law, to formulate policy, and to exercise control over the public school system through its executive officer, the superintendent of education, who shall be appointed by the board and shall serve as secretary to the board.

Amended 1964.

UNIVERSITY OF HAWAII

SECTION 4. The University of Hawaii is hereby established as the state university and constituted a body corporate. It shall have title to all the real and personal property now or hereafter set aside or conveyed to it, which shall be held in public trust for its purposes, to be administered and disposed of according to law.

BOARD OF REGENTS; POWERS

SECTION 5. There shall be a board of regents of the University of Hawaii, the members of which shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. At least part of the membership of the board shall represent geographic subdivisions of the State. The board shall have power, in accordance with law, to formulate policy, and to exercise control over the university through its executive officer, the president of the university, who shall be appointed by the board.

Amended 1964.

ARTICLE X
CONSERVATION AND DEVELOPMENT OF RESOURCES

RESOURCES; CONSERVATION, DEVELOPMENT AND USE

SECTION 1. The legislature shall promote the conservation, development and utilization of agricultural resources, and fish, mineral, forest, water, land, game and other natural resources.

NATURAL RESOURCES; MANAGEMENT AND DISPOSITION

SECTION 2. The legislature shall vest in one or more executive boards or commissions powers for the management of natural resources owned or controlled by the State, and such powers of disposition thereof as may be authorized by law; but land set aside for public use, other than for a reserve for conservation purposes, need not be placed under the jurisdiction of such a board or commission.

The mandatory provisions of this section shall not apply to the natural resources owned by or under the control of a political subdivision or a department or agency thereof.

SEA FISHERIES

SECTION 3. All fisheries in the sea waters of the State not included in any fish pond or artificial inclosure shall be free to the public, subject to vested rights and the right of the State to regulate the same.

GENERAL LAWS REQUIRED; EXCEPTIONS

SECTION 4. The legislative power over the lands owned by or under the control of the State and its political subdivisions shall be exercised only by general laws, except in respect to transfers to or for the use of the State, a political subdivision, or any department or agency thereof.

FARM AND HOME OWNERSHIP

SECTION 5. The public lands shall be used for the development of farm and home ownership on as widespread a basis as possible, in accordance with procedures and limitations prescribed by law.

ARTICLE XI
HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION ACT

SECTION 1. Anything in this constitution to the contrary notwithstanding, the Hawaiian Homes Commission Act, 1920, enacted by the Congress, as the same has been or may be amended prior to the admission of the State, is hereby adopted as a law of the State, subject to amendment or repeal by the legislature, provided, that, if and to the extent that the United States shall so require, said law shall be subject to amendment or repeal only with the consent of the United States and in no other manner, provided, further, that, if the United States shall have been provided or shall provide that particular provisions or types of provisions of said Act may be amended in the manner required for ordinary state legislation, such provisions or types of provisions may be so amended. The proceeds and income from Hawaiian home lands shall be used only in accordance with the terms of said Act, and the legislature may, from time to time, make additional sums available for the purposes of said Act by appropriating the same in the manner provided by law.

COMPACT WITH THE UNITED STATES

SECTION 2. The State and its people do hereby accept, as a compact with the United States, or as conditions or trust provisions imposed by the United States, relating to the management and disposition of the Hawaiian home lands, the requirement that Section 1 hereof be included in this constitution, in whole or in part, it being intended that the Act or Acts of the Congress pertaining thereto shall be definitive of the extent and nature of such compact, conditions or trust provisions, as the case may be. The State and its people do further agree and declare that the spirit of the Hawaiian Homes Commission Act looking to the continuance of the Hawaiian homes projects for the further rehabilitation of the Hawaiian race shall be faithfully carried out.

AMENDMENT AND REPEAL

SECTION 3. As a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, shall be adopted as a provision of the Constitution of said State, as

provided in Section 7, subsection (b) of the Admission Act, subject to amendment or repeal only with the consent of the United States, and in no other manner. Provided, That (1) sections 202, 213, 219, 220, 222, 224, and 225 and other provisions relating to administration, and paragraph (2) of section 204, sections 206 and 212, and other provisions relating to the powers and duties of officers other than those charged with the administration of said Act, may be amended in the constitution, or in the manner required for State legislation, but the Hawaiian home-loan fund, the Hawaiian home-operating fund, and the Hawaiian home-development fund shall not be reduced or impaired by any such amendment, whether made in the constitution or in the manner required for State legislation, and the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States; (2) that any amendment to increase the benefits to lessees of Hawaiian home lands may be made in the constitution, or in the manner required for State legislation, but the qualifications of lessees shall not be changed except with the consent of the United States; and (3) that all proceeds and income from the "available lands", as defined by said Act, shall be used only in carrying out the provisions of said Act.

Added by Congress 1959.

ARTICLE XII
ORGANIZATION; COLLECTIVE BARGAINING

PRIVATE EMPLOYEES

SECTION 1. Persons in private employment shall have the right to organize for the purpose of collective bargaining.

PUBLIC EMPLOYEES

SECTION 2. Persons in public employment shall have the right to organize for the purpose of collective bargaining as prescribed by law.

Amended 1968.

ARTICLE XIII
STATE BOUNDARIES, CAPITAL, FLAG

BOUNDARIES

SECTION 1. The State of Hawaii shall consist of all the islands, together with their appurtenant reefs and territorial waters, included in the Territory of Hawaii on the date of enactment of this Act; except the atoll known as Palmyra Island, together with its appurtenant reefs and territorial waters, but said State shall not be deemed to include the Midway Islands, Johnston Island, Sand Island (offshore from Johnston Island), or Kingman Reef, together with their appurtenant reefs and territorial waters.

Amended by Congress 1959.

CAPITAL

SECTION 2. Honolulu, on the Island of Oahu, shall be the capital of the State.

STATE FLAG

SECTION 3. The Hawaiian flag shall be the flag of the State.

ARTICLE XIV
GENERAL AND MISCELLANEOUS PROVISIONS

CIVIL SERVICE

SECTION 1. The employment of persons in the civil service, as defined by law, of or under the State, shall be governed by the merit principle.

EMPLOYEES' RETIREMENT SYSTEM

SECTION 2. Membership in any employees' retirement system of the State or any political subdivision thereof shall be a contractual relationship, the accrued benefits of which shall not be diminished or impaired.

DISQUALIFICATIONS FROM PUBLIC OFFICE OR EMPLOYMENT

SECTION 3. No person shall hold any public office or employment who, knowingly and intentionally, does any act to overthrow, or attempts to overthrow, or conspires with any person to overthrow the government of this State or of the United States by force or violence.

Amended 1968.

OATH OF OFFICE

SECTION 4. All public officers, before entering upon the duties of their respective offices, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, and the Constitution of the State of Hawaii, and that I will faithfully discharge my duties as ..... to the best of my ability." The legislature may prescribe further oaths or affirmations.

CODES OF ETHICS

SECTION 5. The legislature and each political subdivision shall adopt a code of ethics, which shall apply to appointed and elected officers and employees of the State or the political subdivision, respectively, including members of boards, commissions and other bodies.

Added 1968.

INTERGOVERNMENTAL RELATIONS

SECTION 6. The legislature may provide for cooperation on the part of this State and its political subdivisions with the United States, or other states and territories, or their political subdivisions, in matters affecting the public health, safety and general welfare, and funds may be appropriated to effect such cooperation.

Renumbered; formerly Sec. 5.

FEDERAL LANDS

SECTION 7. The United States shall be vested with or retain title to or an interest in or shall hold the property in the Territory of Hawaii set aside for the use of the United States and remaining so set aside immediately prior to the admission of this State, in all respects as and to the extent set forth in the act or resolution providing for the admission of this State to the Union.

Renumbered; formerly Sec. 6.

COMPLIANCE WITH TRUST

SECTION 8. Any trust provisions which the Congress shall impose, upon the admission of this State, in respect of the lands patented to the State by the United States or the proceeds and income therefrom, shall be complied with by appropriate legislation.

Renumbered, formerly Sec. 7.

ADMINISTRATION OF UNDISPOSED LANDS

SECTION 9. All provisions of the Act of Congress approved March 18, 1959 reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Hawaii are consented to fully by said State and its people.

Amended by Congress 1959; renumbered, formerly Sec. 8.

FEDERAL PROPERTY; TAX EXEMPTION

SECTION 10. No taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States, except as the same shall become taxable by reason of disposition thereof by the United States or by reason of the consent of the United States to such taxation.

Renumbered; formerly Sec. 9.

HAWAII NATIONAL PARK

SECTION 11. All provisions of the act or resolution admitting this State to the Union, or providing for such admission, which reserve to the United States jurisdiction of Hawaii National Park, or the ownership or control of lands within Hawaii National Park, are consented to fully by the State and its people.

Renumbered; formerly Sec. 10.

JUDICIAL RIGHTS

SECTION 12. All those provisions of the act or resolution admitting this State to the Union, or providing for such admission, which reserve to the United States judicial rights or powers are consented to fully by the State and its people; and those provisions of said act or resolution which preserve for the State judicial rights and powers are hereby accepted and adopted, and such rights and powers are hereby assumed, to be exercised and discharged pursuant to this constitution and the laws of the State.

Renumbered; formerly Sec. 11.

TITLES, SUBTITLES, PERSONAL PRONOUNS; CONSTRUCTION

SECTION 13. Titles and subtitles shall not be used for purposes of construing this constitution.

Whenever any personal pronoun appears in this constitution, it shall be construed to mean either sex.

Renumbered; formerly Sec. 12.

GENERAL POWER

SECTION 14. The enumeration in this constitution of specified powers shall not be construed as limitations upon the power of the State to provide for the general welfare of the people.

Renumbered; formerly Sec. 13.

PROVISIONS SELF-EXECUTING

SECTION 15. The provisions of this constitution shall be self-executing to the fullest extent that their respective natures permit.

Renumbered; formerly Sec. 14.

ARTICLE XV
REVISION AND AMENDMENT

METHODS OF PROPOSAL

SECTION 1. Revisions of or amendments to this constitution may be proposed by constitutional convention or by the legislature.

CONSTITUTIONAL CONVENTION

SECTION 2. The legislature may submit to the electorate at any general or special election the question, "Shall there be a convention to propose a revision of or amendments to the Constitution?" If any ten-year period shall elapse during which the question shall not have been submitted, the lieutenant governor shall certify the question, to be voted on at the first general election following the expiration of such period.

ELECTION OF DELEGATES

If a majority of the ballots cast upon such question be in the affirmative, delegates to the convention shall be chosen at the next regular election unless the legislature shall provide for the election of delegates at a special election.

Notwithstanding any provision in this constitution to the contrary, other than Section 3 of Article XIV, any qualified voter of the district concerned shall be eligible to membership in the convention.

Unless the legislature shall otherwise provide, there shall be the same number of delegates to the convention, who shall be elected from the same areas, and the convention shall be convened in the same manner and have the same powers and privileges, as nearly as practicable, as provided for the convention of 1968.

ORGANIZATION; PROCEDURE

The convention shall determine its own organization and rules of procedure. It shall be the sole judge of the elections, returns and qualifications of its members and, by a two-thirds vote, may suspend or remove any member for cause. The

governor shall fill any vacancy by appointment of a qualified voter from the district concerned.

RATIFICATION; APPROPRIATIONS

The convention shall provide for the time and manner in which the proposed constitutional revision or amendments shall be submitted to a vote of the electorate. The revision or amendments shall be effective only if approved at a general election by a majority of all the votes tallied upon the question, this majority constituting at least thirty-five percent of the total vote cast at the election, or at a special election by a majority of all the votes tallied upon the question, this majority constituting at least thirty percent of the total number of registered voters.

The provisions of this section shall be self-executing, but the legislature shall make the necessary appropriations and may enact legislation to facilitate their operation.

Amended 1968.

AMENDMENTS PROPOSED BY LEGISLATURE

SECTION 3. The legislature may propose amendments to the constitution by adopting the same, in the manner required for legislation, by a two-thirds vote of each house on final reading at any session, after either or both houses shall have given the governor at least ten days' written notice of the final form of the proposed amendment, or, with or without such notice, by a majority vote of each house on final reading at each of two successive sessions.

Upon such adoption, the proposed amendments shall be entered upon the journals, with the ayes and noes, and published once in each of four successive weeks in at least one newspaper of general circulation in each senatorial district wherein such a newspaper is published, within the two months' period immediately preceding the next general election.

At such general election the proposed amendments shall be submitted to the electorate for approval or rejection upon a separate ballot.

The conditions of and requirements for ratification of such proposed amendments shall be the same as provided in Section 2 of this article for ratification at a general election.

VETO

SECTION 4. No proposal for amendment of the constitution adopted in either manner provided by this article shall be subject to veto by the governor.

CONFLICTING REVISIONS OR AMENDMENTS

SECTION 5. If a revision or amendment proposed by a constitutional convention is in conflict with a revision or amendment proposed by the legislature and both are submitted to the electorate at the same election and both are approved, then the revision or amendment proposed by the convention shall prevail. If conflicting revisions or amendments are proposed by the same body and are submitted to the electorate at the same election and both are approved, then the revision or amendment receiving the highest number of votes shall prevail.

Added 1968.

ARTICLE XVI
SCHEDULE

DISTRICTING AND APPORTIONMENT

SECTION 1. A. Senatorial Districts; Number of Senators. As provided in Section 2 of Article III, until the next reapportionment the senatorial districts and the number of senators to be elected from each shall be as follows:

FIRST SENATORIAL DISTRICT: The Island of Hawaii, consisting of the first through fifth representative districts—three senators.

SECOND SENATORIAL DISTRICT: The Islands of Maui, Molokai, Lanai and Kahoolawe, consisting of the sixth and seventh representative districts—two senators.

THIRD SENATORIAL DISTRICT: That portion of the Island of Oahu, consisting of the twenty-third and twenty-fourth representative districts—three senators.

FOURTH SENATORIAL DISTRICT: That portion of the Island of Oahu, consisting of the nineteenth, twentieth, twenty-first and twenty-second representative districts—four senators.

FIFTH SENATORIAL DISTRICT: That portion of the Island of Oahu, consisting of the fifteenth, sixteenth, seventeenth and eighteenth representative districts—four senators.

SIXTH SENATORIAL DISTRICT: That portion of the Island of Oahu, consisting of the twelfth, thirteenth and fourteenth representative districts—four senators.

SEVENTH SENATORIAL DISTRICT: That portion of the Island of Oahu, consisting of the eighth, ninth, tenth and eleventh representative districts—four senators.

EIGHTH SENATORIAL DISTRICT: The Islands of Kauai and Niihau, consisting of the twenty-fifth representative district—one senator.

B. Representative Districts; Number of Representatives. As provided in Section 3 of Article III, until the next reapportionment the representative districts and the number of representatives to be elected from each shall be as follows:

FIRST REPRESENTATIVE DISTRICT: That portion of the Island of Hawaii known as Puna and Kau and that portion of South Hilo, more particularly described as follows: Beginning at the junction of Haihai Street and Ainaola Drive and running (1) easterly along Haihai Street extended to Kanoelehua Avenue; (2) southerly along Kanoelehua Avenue for about 100 feet to the boundary between the Panaewa Farm Lots and the Hawaiian Home Land of Panaewa; (3) easterly along the north boundary of the Panaewa Farm Lots to the old Puna Railroad; (4) easterly along a line that is parallel to Haihai Street and extends to the South Hilo-Puna Boundary; (5) southwesterly along said South Hilo-Puna Boundary to a point where the prolongation of the southwest end of Waikahe Street intersects the South Hilo-Puna Boundary; (6) northerly along the said prolongation and along Waikahe Street to the intersection of Waikahe Street and Ainaola Drive; (7) northerly and northeasterly along Ainaola Drive to the point of beginning—one representative.

SECOND REPRESENTATIVE DISTRICT: That

portion of the Island of Hawaii being the southern portion of South Hilo, more particularly described as follows: Beginning at the seashore at the mouth of Wailuku River and running (1) southeasterly along the seashore to the South Hilo-Puna Boundary; (2) southwesterly along the South Hilo-Puna Boundary to a line that is parallel to Haihai Street and extends from the intersection of the north boundary of Panaewa Farm Lots and the old Puna Railroad to the South Hilo-Puna Boundary; (3) westerly along said line to the old Puna Railroad; (4) westerly along the north boundary of the Panaewa Farm Lots to Kanoelehua Avenue; (5) northerly along Kanoelehua Avenue for about 100 feet to a point where the prolongation of Haihai Street would meet said avenue; (6) westerly along said prolongation along Haihai Street to Ainaola Drive; (7) southwesterly and southerly along Ainaola Drive to the intersection of Ainaola Drive and Waikahe Street; (8) southerly along Waikahe Street and the prolongation of Waikahe Street to the South Hilo-Puna Boundary; (9) southwesterly, northwesterly and southwesterly along the South Hilo-Puna Boundary to the Kau Boundary; (10) northwesterly along the South Hilo-Kau Boundary; (11) northwesterly and northeasterly along the South Hilo-North Hilo Boundary to a point where the Paukaa-Piihonua Boundary intersects said South Hilo-North Hilo Boundary; (12) southeasterly along the Paukaa-Piihonua Boundary to Honolii Stream; (13) southerly along the upper boundaries of Kaiwiki and Alae to Awehi Stream; (14) southeasterly along Awehi Stream on into Waiau Stream to its junction with Alae Stream; (15) westerly along said Alae Stream to the Hilo-Forest Reserve Boundary; (16) southwesterly along the lower boundary of the Hilo Forest Reserve for a distance of 6780 feet; (17) southeasterly along Hookelekele Stream for a distance of 7157 feet, to its junction with Wailuku River; (18) southerly along Wailuku River and Kahoama Stream to the Hilo Forest Reserve Boundary; (19) southeasterly about 0.2 miles to an angle in the Hilo Forest Reserve; (20) southwesterly along the Hilo Forest Reserve to the Punahoa 1 and Ponahawai Boundary; (21) easterly along said boundary and along Waipahoehoe Stream to Akolea Road; (22) northerly along Akolea Road to the Punahoa 1 and 2 Boundary; (23) easterly along Punahoa 1 and 2 Boundary to Ainako Avenue; (24) northerly along Ainako Avenue to the old Piihonua Road; (25) southeasterly along the old Piihonua Road to the Piihonua and Punahoa 2 Boundary; (26) easterly along the Piihonua and Punahoa 2 Boundary to the Hilo Watershed Reservation (Executive Order 1418); (27) southerly and easterly along the northerly side of said reservation to the southeast corner of said Hilo Watershed Reservation; (28) southerly along the west side of Block "S" which fronts on the west side of Ekaha Street; (29) southeasterly across Kaumana Road to a point where the Kaumana Road intersects the Hilo Boarding School Ditch; (30) easterly along the Hilo Boarding School Ditch to Hoomana Street; (31) northwesterly along Hoomana Street to Punahale Street; (32) northeasterly along Punahale Street to Punawai Street; (33) northerly along Punawai Street and the prolongation of Punawai Street to Wailuku River; (34) easterly along Wailuku River to the point of beginning—two representatives.

THIRD REPRESENTATIVE DISTRICT: That portion of the Island of Hawaii being the northern portion of South Hilo, more particularly described as follows: Beginning at the seashore on the North Hilo-South Hilo Boundary and running (1) southeasterly and southerly along the seashore to the mouth of Wailuku River; (2) westerly along Wailuku River to the prolongation of Punawai Street; (3) southerly along said prolongation and along Punawai Street to Punahale Street; (4) southwesterly along Punahale Street to Hoomana Street; (5) southeasterly along Hoomana Street to its junction with the Hilo Boarding School Ditch; (6) westerly along Hilo Boarding School Ditch to its junction with Kaumana Road; (7) northwesterly across Kaumana Road to the west boundary of Block "S" which fronts on the west side of Ekaha Street; (8) northerly along the west side of said block to the southeast corner of the Hilo Watershed Reservation (Executive Order 1418); (9) westerly along the southerly side of said reservation to the common boundary between the lands of Piihonua and Punahoa 2; (10) westerly along said boundary to the old Piihonua Road; (11) southwesterly along the old Piihonua Road to Ainako Avenue; (12) southerly along Ainako Avenue to the common boundary between the lands of Punahoa 1 and 2; (13) westerly along said boundary to Akolea Road; (14) southerly along Akolea Road to Waipahoehoe Stream; (15) westerly along Waipahoehoe Stream and the common boundary between Punahoa 1 and Ponahawai for a distance of approximately 2.2 miles to the Hilo Forest Reserve; (16) northeasterly along the Hilo Forest Reserve for a distance of approximately 1.5 miles to angle in same; (17) northwesterly approximately 0.2 miles to Kahoama Stream; (18) northerly along Kahoama Stream and Wailuku River to the junction of Hookelekele Stream; (19) northwesterly along Hookelekele Stream for a distance of 7157 feet; (20) northeasterly along the lower boundary of Hilo Forest Reserve for a distance of 6780 feet to Aale Stream; (21) easterly along said Aale Stream to its junction with Waiau Stream; (22) northwesterly along Waiau Stream on into Awehi Stream to the upper boundary of Alae; (23) northerly along the upper boundaries of Alae and Kaiwiki to Honolii Stream; (24) northwesterly along the Paukaa-Piihonua Boundary to the North Hilo-South Hilo Boundary; (25) northeasterly along the North Hilo-South Hilo Boundary to the point of beginning—one representative.

FOURTH REPRESENTATIVE DISTRICT: That portion of the Island of Hawaii known as North Kohala, Hamakua and North Hilo—one representative.

FIFTH REPRESENTATIVE DISTRICT: That portion of the Island of Hawaii known as South Kona, North Kona and South Kohala—one representative.

SIXTH REPRESENTATIVE DISTRICT: The Islands of Molokai and Lanai and that portion of the Island of Maui that includes Lahaina and the portion of Wailuku that lies west of the following described line: Beginning at the seashore near Kahului Beach

Road at the end of the west breakwater of Kahului Harbor and running (1) southwesterly in a straight line to the intersection of Kaahumanu Avenue and South Papa Avenue; (2) southwesterly along South Papa Avenue to the northeast corner of Lot 7-1 of Kahului Town Development, Seventh Increment (File Plan 766); (3) westerly along the north boundaries of Kahului Town Development, Seventh Increment (File Plan 766) to the west corner of Lot 7-12 of said File Plan 766; (4) southerly along the westerly boundaries of Kahului Town Development, Seventh Increment (File Plan 766) and Eighth Increment (File Plan 906) to the south corner of Lot 8-149 of said File Plan 906; (5) southwesterly in a straight line to the intersection of Honoapiilani Highway and Kihei Road; (6) southeasterly in a straight line to the seashore which is approximately 3500 feet east from the southeast corner of Maalaea Beach Lots—two representatives.

SEVENTH REPRESENTATIVE DISTRICT: The Island of Kahoolawe and that portion of the Island of Maui that includes Makawao, Hana and the portion of Wailuku that lies east of the following described line: Beginning at a point on the seashore that is approximately 3500 feet east of the southeast corner of Maalaea Beach Lots and running (1) northwesterly in a straight line to the intersection of Honoapiilani Highway and Kihei Road; (2) northeasterly in a straight line to the south corner of Lot 8-149 of Kahului Town Development, Eighth Increment (File Plan 906); (3) northerly along the westerly boundaries of Kahului Town Development, Eighth Increment (File Plan 906) and Seventh Increment (File Plan 766) to the west corner of Lot 7-12 of said File Plan 766; (4) easterly along the north boundaries of Kahului Town Development, Seventh Increment (File Plan 766) to the northeast corner of Lot 7-1 of said File Plan 766; (5) northeasterly along South Papa Avenue to the intersection of South Papa and Kaahumanu Avenues; (6) northeasterly in a straight line to the seashore near the Kahului Beach Road at the end of the west breakwater of Kahului Harbor—two representatives.

EIGHTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Waialae-Nui, Aina Haina, Niu, Kuliouou and Hawaii Kai and lying east of the Waialae-Nui Gulch and south of the top of Koolau Range to the ocean and more particularly described as follows: Beginning at the seashore at the east corner of Waialae Beach Park and running (1) northerly along the northeast boundary of Waialae Beach Park to Kahala Avenue; (2) northeasterly along Kahala Avenue to the Waialae Golf Course boundary; (3) northerly along the southwest boundary of Waialae Golf Course to the west corner of Lot 49 as shown on Map 17 of Land Court Application 828; (4) northerly along Kapakahi Stream to its junction with Waialae-Nui Stream; (5) northerly along Waialae-Nui Stream crossing Kalanianaole Highway and continuing northeasterly along Waialae-Nui Stream and Waialae-Nui Gulch to a place called "Puu Lanipo" at the top of Koolau Range; (6) easterly along the top of Koolau Range to Makapuu Point; (7) southwesterly along the seashore to the point of beginning. This district includes the Northwestern Hawaiian Islands from Nihoa Island to Kure Atoll excluding the Midway Islands two representatives.

NINTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Diamond Head and Waialae-Kahala, more particularly described as follows: Beginning at the seashore at the southeast corner of Diamond Head Lighthouse and running (1) northerly along the east boundary of Diamond Head Lighthouse to Diamond Head Road; (2) westerly along Diamond Head Road, and along the westerly boundary of Diamond Head State Monument (Executive Order 2000); (3) continuing northeasterly along the northwesterly boundary of Diamond Head State Monument (Executive Order 2000) to Campbell Avenue; (4) northeasterly across Campbell Avenue along the northwest boundaries of the Reservoir Lot and Fort Ruger Military Reservation to Monsarrat Avenue; (5) across Monsarrat Avenue and continuing easterly along the northerly boundary of the Board of Water Supply Lot (Executive Order 1800); (6) easterly along Fort Ruger Military Reservation to Makapuu Avenue; (7) northerly along Makapuu Avenue to Kilauea Avenue; (8) easterly along Kilauea Avenue to 22nd Avenue; (9) northerly along 22nd Avenue to Harding Avenue; (10) westerly along Harding Avenue to 21st Avenue; (11) northerly along 21st Avenue to Lunalilo Freeway; (12) southwesterly along Lunalilo Freeway to Koko Head Avenue; (13) northerly along Koko Head Avenue to Waialae Avenue; (14) westerly along Waialae Avenue to Sierra Drive; (15) northerly along Sierra Drive to the southwest corner of Land Court Application 704; (16) northerly along Land Court Application 704 to the east corner of Lot 14 of Land Court Application 704; (17) westerly along Lot 14; (18) northerly along Lot 21; (19) easterly along Lot 11, all of Land Court Application 704; (20) northerly along the easterly boundary of Land Court Application 704 to the south corner of Lot 6 of Land Court Application 704; (21) northerly along the easterly side of Lots 6-A-2, 5-A, 4-A-2, 3-A-1, 2-A-1 and 1-A, all of Land Court Application 704; (22) easterly along Pakui Street; (23) northerly along the end of Pakui Street and the westerly boundary of Palolo Hill Tract (File Plans 46 and 48) to the south corner of Lani Hale Tract; (24) westerly along Lani Hale Tract to the east boundary of Palolo Hillside Lots (File Plan 50); (25) northerly along the easterly boundary of Palolo Hillside Lots (File Plan 50) and Land Court Application 610 to the boundary of Waiomao; (26) easterly along the boundary of Waiomao to the west corner of Land Court Application 859; (27) easterly along the north boundary of Land Court Application 859 and the land of Waiomao to "Kalepeamoa" Triangulation Station; (28) northeasterly in a direct line to Waialae-Nui Stream; (29) southerly along Waialae-Nui Stream crossing Kalanianaole Highway to its junction with Kapakahi Stream; (30) southerly along Kapakahi Stream to the west corner of Lot 49 as shown on Map 17 of Land Court Application 828; (31) southerly along the southwest boundary of Waialae Golf Course to Kahala Avenue; (32) southwesterly along Kahala Avenue to the northeast corner of Waialae Beach Park; (33) southerly along the northeast boundary of Waialae Beach Park to the

seashore; (34) southwesterly along the seashore to the point of beginning two representatives.

TENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Palolo, more particularly described as follows: Beginning at the intersection of Lunalilo Freeway and Koko Head Avenue and running (1) westerly along Lunalilo Freeway to the Manoa-Palolo Drainage Canal; (2) northerly along the Manoa-Palolo Drainage Canal to Dole Street; (3) easterly along Dole Street to the east boundary of Waahila Faculty Housing; (4) northerly along the east boundary of Waahila Faculty Housing to "Waahila" Triangulation Station; (5) northeasterly along the Manoa-Palolo Boundary to a place called "Mt. Olympus" at the top of Koolau Range; (6) easterly along the top of said range to a place called "Puu Lanipo"; (7) southerly along Waialae-Nui Gulch for a distance of approximately 14,000 feet; (8) southwesterly in a direct line to "Kalepeamoa" Triangulation Station; (9) westerly along the land of Waiomao and the north boundary of Land Court Application 859 to the west corner of Land Court Application 859; (10) westerly along the land of Waiomao to the east corner of Land Court Application 610; (11) southerly along the easterly boundary of Land Court Application 610 and Palolo Hillside Lots (File Plan 50) to the west corner of Lani Hale Tract; (12) easterly along Lani Hale Tract to the westerly boundary of Palolo Hill Tract (File Plan 48); (13) southerly along the westerly boundary of Palolo Hill Tract (File Plans 48 and 46) to the southeast corner of Pakui Street; (14) westerly along Pakui Street to the north corner of Lot 1-B of Land Court Application 704; (15) southerly along Lots 1-B, 2-B, 3-B, 3-C, 4-D, 4-C, 5-B, 6-B, all of Land Court Application 704 and along Palolo Hill Tract (File Plan 46) to the east corner of Lot 12-B of Land Court Application 704; (16) westerly along Lot 12-B; (17) southerly along Lots 12-B and 13-B; (18) easterly along Lot 13-B, all of Land Court Application 704; (19) southerly along Palolo Hill Tract (File Plan 46) to Sierra Drive; (20) southerly along Sierra Drive to Waialae Avenue; (21) easterly along Waialae Avenue to Koko Head Avenue; (22) southerly along Koko Head Avenue to the point of beginning—two representatives.

ELEVENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Kaimuki and Kapahulu, more particularly described as follows: Beginning at the intersection of Kapahulu Avenue and Lunalilo Freeway and running (1) southeasterly along Lunalilo Freeway to 21st Avenue; (2) southwesterly along 21st Avenue to Harding Avenue; (3) southeasterly along Harding Avenue to 22nd Avenue; (4) southwesterly along 22nd Avenue to Kilauea Avenue; (5) northwesterly along Kilauea Avenue to Makapuu Avenue; (6) southwesterly along Makapuu Avenue to Alohea Avenue; (7) southwesterly along Fort Ruger Military Reservation and along Board of Water Supply Lot (Executive Order 1800) to Trousseau Street; (8) southwesterly along Monsarrat Avenue to Leahi Avenue; (9) northwesterly along Leahi Avenue to Kapahulu Avenue; (10) northerly along Kapahulu Avenue to the point of beginning—two representatives.

TWELFTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Waikiki, Moiliili and McCully, more particularly described as follows: Beginning at the outer edge of the reef at the entrance to Ala Wai Yacht Harbor and running (1) northeasterly along the east boundary of Magic Island to the extension of the centerline of the Ala Wai Canal; (2) northeasterly along the extended line and along the center of Ala Wai Canal to McCully Bridge; (3) northeasterly along McCully Street to South King Street; (4) southeasterly along South King Street to Isenberg Street; (5) northeasterly along Isenberg Street to Lunalilo Freeway; (6) southeasterly along Lunalilo Freeway to Kapahulu Avenue; (7) southerly along Kapahulu Avenue to Leahi Avenue; (8) southeasterly along Leahi Avenue to Monsarrat Avenue; (9) easterly along Monsarrat Avenue to Trousseau Street; (10) southeasterly, thence southwesterly along the northwest boundary of Fort Ruger Military Reservation to the southwest side of Campbell Avenue; (11) southwesterly thence easterly along the northwesterly and westerly boundary of Diamond Head State Monument (Executive Order 2000) to Diamond Head Road; (12) easterly along Diamond Head Road to the east boundary of Diamond Head Lighthouse; (13) southerly along the east boundary of Diamond Head Lighthouse to the seashore; (14) westerly along seashore to a point where Kapahulu Avenue extended meets the seashore; (15) westerly along the extension of Kapahulu Avenue to the outer edge of the reef; (16) westerly along the outer edge of the reef to the point of beginning—three representatives.

THIRTEENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Makiki and Manoa, more particularly described as follows: Beginning at the intersection of the Manoa-Palolo Drainage Canal and Lunalilo Freeway and running (1) westerly along Lunalilo Freeway to Pensacola Street; (2) northeasterly along Pensacola Street to Nehoa Street; (3) easterly along Nehoa Street to a point opposite Lewalani Drive; (4) northeasterly along the top of ridge of the lands of Makiki and Kalawahine to a mountain peak called "Puu Ohia" or "Tantalus"; (5) northeasterly along the top of the ridge between the lands of Pauoa, Manoa and Nuuanu to a point on the Koolau Range called "Puu Konahuanui"; (6) southeasterly along the top of said range to a place called "Mt. Olympus"; (7) southwesterly along the Manoa-Palolo Boundary to "Waahila" Triangulation Station; (8) southerly along the east boundary of Waahila Faculty Housing to Dole Street; (9) westerly along Dole Street to Manoa Stream; (10) southerly along Manoa Stream and along Manoa-Palolo Drainage Canal to the point of beginning—three representatives.

FOURTEENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Ala Moana and Lower Makiki, more particularly described as follows: Beginning at the junction of the Honolulu Harbor Channel and the outer edge of the reef and running (1) northeasterly along the middle of Honolulu Harbor Channel and Honolulu Harbor to the intersection of Nimitz Highway and Nuuanu Avenue; (2) northeasterly along

Nuuanu Avenue to Lunalilo Freeway; (3) easterly along Lunalilo Freeway to Isenberg Street; (4) southerly along Isenberg Street to South King Street; (5) westerly along South King Street to McCully Street; (6) southerly along McCully Street to Ala Wai Canal; (7) southwesterly along Ala Wai Canal along the center of Ala Wai Canal extended to the east boundary of Magic Island; (8) southerly along the east boundary of Magic Island to the outer edge of the reef; (9) westerly along the outer edge of the reef to the point of beginning–two representatives.

FIFTEENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Pauoa, more particularly described as follows: Beginning at the intersection of Lunalilo Freeway and Nuuanu Avenue and running (1) northeasterly along Nuuanu Avenue to the intersection of Wyllie Street and Pali Highway; (2) northerly along Pali Highway to Nuuanu Pali Drive near Kepola Place; (3) northeasterly along Nuuanu Pali Drive to top of Koolau Range at the Pali Lookout; (4) southeasterly along the top of Koolau Range to a point called "Puu Konahuanui"; (5) southwesterly along top of ridge between the lands of Manoa, Pauoa and Makiki to a mountain peak called "Puu Ohia" or "Tantalus"; (6) southwesterly along the top of the ridge between the lands of Makiki and Kalawahine to the intersection of Nehoa Street and Lewalani Drive; (7) southwesterly on Nehoa Street to Pensacola Street; (8) southerly along Pensacola Street to Lunalilo Freeway; (9) westerly along Lunalilo Freeway to the point of beginning–two representatives.

SIXTEENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Nuuanu and Alewa Heights, more particularly described as follows: Beginning at the intersection of Nuuanu Avenue and Lunalilo Freeway and running (1) northwesterly along Lunalilo Freeway to the intersection of Liliha Street, School Street and Lunalilo Freeway; (2) northwesterly along North School Street to Likelike Highway; (3) northerly along Likelike Highway to Kalihi Street; (4) northeasterly along Kalihi Street to Akahi Street; (5) southeasterly along Akahi Street to the top of the ridge between the lands of Kamanaiki and Kapalama; (6) northeasterly along the top of said ridge to a point on the Koolau Range called "Puu Lanihuli"; (7) easterly along the top of Koolau Range to Pali Lookout; (8) southwesterly along Nuuanu Pali Drive to Pali Highway near Kepola Place; (9) southerly along Pali Highway to the intersection of Wyllie Street and Nuuanu Avenue; (10) southwesterly along Nuuanu Avenue to the point of beginning–two representatives.

SEVENTEENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Kapalama, more particularly described as follows: Beginning at the intersection of Nuuanu Avenue and Lunalilo Freeway and running (1) southwesterly along Nuuanu Avenue to the sea at Honolulu Harbor; (2) southwesterly along the middle of Honolulu Harbor and Honolulu Harbor Channel to the outer edge of the reef; (3) westerly along the outer edge of the reef to a point where Mokauea Street extended meets the outer edge of the reef; (4) northeasterly along said Mokauea Street extended to its intersection with the middle of Kalihi Channel; (5) northerly along Kalihi Channel to the middle of Kalihi Stream at Nimitz Highway; (6) northwesterly along Nimitz Highway to Middle Street; (7) northeasterly along Middle Street to Lunalilo Freeway; (8) southeasterly along Lunalilo Freeway to the point of beginning two representatives.

EIGHTEENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Kalihi, more particularly described as follows: Beginning at the intersection of Lunalilo Freeway and Middle Street and running (1) northeasterly along Middle Street to where the Fort Shafter Military Reservation boundary runs westerly from Middle Street; (2) westerly then northeasterly along Fort Shafter Military Reservation boundary and continuing along Kahauiki Ridge to a point on the top of Koolau Range called "Puu Kahuauli"; (3) southeasterly along the top of Koolau Range to a point on Koolau Range called "Puu Lanihuli"; (4) southwesterly along the top of the ridge between the lands of Kamanaiki and Kapalama to Akahi Street; (5) northwesterly along Akahi Street to Kalihi Street; (6) southwesterly along Kalihi Street to Likelike Highway; (7) southwesterly along Likelike Highway to School Street; (8) southeasterly along School Street to the intersection of School Street, Liliha Street and Lunalilo Freeway; (9) northwesterly along Lunalilo Freeway to the point of beginning–two representatives.

NINETEENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Moanalua, Halawa and Aiea, more particularly described as follows: Beginning at the point where Mokauea Street extended meets the outer edge of the reef and running (1) southwesterly along the outer edge of the reef to a point on the Moanalua-Halawa boundary; (2) northerly along the Moanalua-Halawa boundary to the seashore; (3) westerly along the seashore and along the seashore extended to the center of Pearl Harbor Entrance Channel; (4) northerly along the center of Pearl Harbor Entrance Channel; (5) northeasterly along the center of the channel between Ford Island and Southeast Loch, Pearl Harbor to the boundary between the lands of Waimalu and Kalauao at East Loch, Pearl Harbor; (6) northeasterly along the Waimalu-Kalauao boundary to Kamehameha Highway; (7) southeasterly along Kamehameha Highway to the intersection of Kamehameha Highway and Moanalua Road; (8) northwesterly along Moanalua Road to the Waimalu-Kalauao boundary; (9) northeasterly along the Waimalu-Kalauao boundary to the top of Koolau Range; (10) southeasterly along the top of Koolau Range being the Ewa-Koolaupoko boundary to a point on the top of Koolau Range called "Puu Kahuauli"; (11) southwesterly along the top of Kahauiki Ridge along the southeast boundary of Fort Shafter Military Reservation to a point where the Fort Shafter boundary meets Middle Street; (12) southwesterly along Middle Street to Nimitz Highway; (13) easterly along Nimitz Highway to Kalihi Stream; (14) southerly along Kalihi Stream to the seashore and

continuing along Kalihi Channel to a point where the middle of Kalihi Channel meets Mokauea Street extended; (15) southwesterly along Mokauea Street extended to the point of beginning—two representatives.

TWENTIETH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Ewa, more particularly described as follows: Beginning at the seashore at the seaward end of Waimanalo Gulch located about 2300 feet south of "Kahe Point" Triangulation Station and running (1) northeasterly along Waimanalo Gulch to its beginning; (2) northeasterly on a straight line to a point called "Puu Manawahua"; (3) northeasterly along the top of Waianae Range being the Waianae-Ewa boundary to a point called "Puu Palikea"; (4) southeasterly on a straight line to Reservoir 31 of the Oahu Sugar Company; (5) northeasterly along Waiahole Ditch to Waikele Stream; (6) southerly along Waikele Stream to the intersection of Waikele and Kipapa Streams; (7) northeasterly along Kipapa Stream to Kamehameha Highway; (8) southeasterly along Kamehameha Highway to the roadway leading to Mililani Memorial Park; (9) northeasterly along said roadway leading to Mililani Memorial Park to the middle of Panakauahi Gulch; (10) northerly along the middle of Panakauahi Gulch to the siphon at the Waiahole Ditch; (11) northwesterly along Waiahole Ditch to Kipapa Stream; (12) northeasterly along Kipapa Stream to the top of Koolau Range; (13) southeasterly along top of Koolau Range being the Ewa-Koolaupoko boundary to the Waimalu-Kalauao boundary; (14) southwesterly along the Waimalu-Kalauao boundary to Moanalua Road; (15) southeasterly along Moanalua Road to the intersection of Moanalua Road and Kamehameha Highway; (16) northwesterly along Kamehameha Highway to the Waimalu-Kalauao boundary; (17) southwesterly along the Waimalu-Kalauao boundary to East Loch, Pearl Harbor; (18) southwesterly along center of the channel between Ford Island and Southeast Loch, Pearl Harbor to the center of Pearl Harbor Entrance Channel; (19) southerly along the center of the Pearl Harbor Entrance Channel to a point that meets the seashore extended; (20) southwesterly along the seashore extended and continuing southwesterly and northwesterly along the seashore to the point of beginning—three representatives.

TWENTY-FIRST REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Waianae and a portion of Honouliuli, more particularly described as follows: Beginning at the seashore at Kaena Point on the Waialua-Waianae boundary and running (1) southeasterly along the crest of the Waianae Mountains being the boundary between Waianae and Waialua, Wahiawa and Ewa to a point called "Puu Manawahua"; (2) southwesterly on a straight line to the beginning of Waimanalo Gulch; (3) southwesterly along Waimanalo Gulch to the seashore located about 2300 feet south of Kahe Point; (4) northwesterly along the seashore to the point of beginning one representative.

TWENTY-SECOND REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Waialua and Wahiawa, more particularly described as follows: Beginning at the seashore on the Waialua and Koolauloa boundaries and running (1) easterly and southeasterly along the top of Koolau Range being the Waialua-Koolauloa boundary to the intersection of Kipapa Stream and the top of Koolau Range; (2) southwesterly along Kipapa Stream to Waiahole Ditch; (3) southeasterly along Waiahole Ditch to the siphon located at the center of Panakauahi Gulch; (4) southerly along the middle of Panakauahi Gulch to the roadway leading to the Mililani Memorial Park; (5) southwesterly along the roadway that leads out of Mililani Memorial Park to Kamehameha Highway; (6) northwesterly along Kamehameha Highway to Kipapa Stream; (7) southwesterly along Kipapa Stream to its junction with Waikele Stream; (8) northwesterly along Waikele Stream to Waiahole Ditch; (9) southwesterly along Waiahole Ditch to Reservoir 31; (10) northwesterly on a direct line from Reservoir 31 to a point on the top of Waianae Range called "Puu Palikea"; (11) northwesterly along top of Waianae Range along the boundary between Waianae and Ewa, Wahiawa and Waialua to Kaena Point at seashore; (12) northeasterly along the seashore to the point of beginning—two representatives.

TWENTY-THIRD REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Koolauloa and the northwestern portion of Koolaupoko, more particularly described as follows: Beginning at the seashore on the Waialua-Koolauloa boundary and running (1) northeasterly and southeasterly along the seashore to the southeast corner of Kaneohe Marine Corps Air Station; (2) southwesterly along the south boundary of the Kaneohe Marine Corps Air Station to Kaneohe Bay Drive; (3) southwesterly on a straight line to "Puu Papaa" Triangulation Station; (4) southwesterly along the top of the ridge to the Kailua-Kaneohe boundary; (5) southwesterly along the Kailua-Kaneohe boundary to a point where the Kailua-Kaneohe boundary intersects Kamehameha Highway; (6) southeasterly along Kamehameha Highway to its junction with Kalanianaole Highway and Pali Highway; (7) southerly and continuing along Pali Highway to a point opposite the Pali Lookout; (8) northwesterly along the top of the Koolau Range being the boundary between Koolaupoko and Honolulu, Ewa and Wahiawa and Koolauloa and Wahiawa and Waialua to the point of beginning, and the Island of Moku O Loe (Coconut Island)—three representatives.

TWENTY-FOURTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as the southeastern portion of Koolaupoko, more particularly described as follows: Beginning at the seashore at Makapuu Point and running (1) westerly along the top of Koolau Range being the Honolulu-Koolaupoko boundary to the Pali Lookout; (2) northeasterly along Pali Highway to its junction with Kamehameha Highway and Kalanianaole Highway; (3) northwesterly on Kamehameha Highway to the boundary between Kaneohe and Kailua; (4) northeasterly along the Kailua-Kaneohe boundary to the point where the Kailua-Kaneohe boundary angles

off the top of the ridge towards Kailua Bay; (5) northeasterly along the top of the ridge to "Puu Papaa" Triangulation Station; (6) northeasterly on a straight line to a point where the south boundary of the Kaneohe Marine Corps Air Station intersects Kaneohe Bay Drive; (7) easterly along the south boundary of Kaneohe Marine Corps Air Station to the seashore; (8) southeasterly along the seashore to the point of beginning—three representatives.

TWENTY-FIFTH REPRESENTATIVE DISTRICT: The Islands of Kauai and Niihau three representatives.

Amended 1968.

1968 SENATORIAL ELECTIONS

SECTION 2. Senators elected in the 1968 general election shall serve for two-year terms.

Added 1968.

TWENTY-SIXTH SENATOR, ALLOCATED TO KAUAI

SECTION 3. Effective for the first general election following ratification of the twelfth paragraph of Section 4 of Article III and until the next reapportionment, one senator shall be added to the twenty-five members of the senate as provided and with the effect set out in the twelfth paragraph of Section 4 of Article III and such senator shall be allocated to the basic island unit of Kauai.

Added 1968.

EFFECTIVE DATE FOR APPORTIONMENT AND DISTRICTING

SECTION 4. The senatorial and representative districts and the numbers to be elected from each as set forth in Sections 1A and 1B of this article shall become effective for the first general election following ratification of the amendment to Section 2 of Article III and of Sections 1A and 1B of this article.

Added 1968.

REAPPORTIONMENT COMMISSION; ACTIVATION

SECTION 5. Anything in this constitution to the contrary notwithstanding, if Sections 1A and 1B of this article are not ratified, the reapportionment commission shall be constituted on or before March 1, 1969.

Added 1968.

CONFLICTS BETWEEN APPORTIONMENT PROVISIONS

SECTION 6. Sections 2 and 4 of Article III and Sections 1A, 2, 3, 4 and 5 of Article XVI, as amended and added by the constitutional convention of 1968, upon ratification, shall supersede Senate Bill No. 1102 of the Regular Session of 1967 even if the latter shall also be ratified. If less than all of the above sections are ratified, then those ratified shall supersede Senate Bill No. 1102 to the extent they are in conflict therewith, even if the latter should be ratified.

Added 1968.

SALARIES OF LEGISLATORS

SECTION 7. Until otherwise provided by law in accordance with Section 10 of Article III, the salary of each member of the legislature shall be twelve thousand dollars a year.

Amended and renumbered, 1968; formerly Sec. 17.

START OF BIENNIAL BUDGETING AND APPROPRIATIONS

SECTION 8. Anything in this constitution to the contrary notwithstanding, the provisions relating to biennial budgeting and appropriations in Article VI shall take effect for the biennial period beginning July 1, 1971.

Added 1968.

EFFECTIVE DATE AND APPLICATION OF ARTICLE VII, SECTION 2

SECTION 9. The amendments to Section 2 of Article VII shall take effect on the first day of January after three full calendar years have elapsed following their ratification. When the amendments take effect, Article VII shall apply to all county charters, whether adopted before or after the admission of Hawaii into the Union as a state.

Added 1968.

CONTINUITY OF LAWS

SECTION 10. All laws in force at the time amendments to this constitution take effect that are not inconsistant with the constitution as amended shall remain in force, mutatis mutandis, until they expire by their own limitations or are amended or repealed by the legislature.

Except as otherwise provided by amendments to this constitution, all existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights shall continue unaffected notwithstanding the taking effect of the amendments and may be maintained, enforced or prosecuted, as the case may be, before the appropriate or corresponding tribunals or agencies of or under the State or of the United States, in all respects as fully as could have been done prior to the taking effect of the amendments.

Amended and renumbered, 1968; formerly Sec. 2.

DEBTS

SECTION 11. The debts and liabilities of the Territory shall be assumed and paid by the State, and all debts owed to the Territory shall be collected by the State.

Renumbered; formerly Sec. 3.

RESIDENCE, OTHER QUALIFICATIONS

SECTION 12. Requirements as to residence, citizenship or other status or qualifications in or under the State prescribed by this constitution shall be satisfied pro tanto by corresponding residence, citizenship or other status or qualifications in or under the Territory.

Renumbered; formerly Sec. 7.

Declared unconstitutional by U.S. District Court, July 8, 1970.

CONDEMNATION OF FISHERIES

SECTION 13. All vested rights in fisheries in the sea waters not included in any fish pond or artificial inclosure shall be condemned to the use of the public upon payment of just compensation, which compensation, when lawfully ascertained, shall be paid out of any money in the treasury of the State not otherwise appropriated.

Renumbered; formerly Sec. 9.

EFFECTIVE DATE

This constitution shall take effect and be in full force immediately upon the admission of Hawaii into the Union as a State.

Done in Convention, at Iolani Palace, Honolulu, Hawaii, on the twenty-second day of July, in the year one thousand nine hundred fifty and of the Independence of the United States of America the one hundred and seventy-fifth.

The amendments to this Constitution made by the Constitutional Convention of 1968 became effective upon acceptance by the electorate on November 5, 1968.

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CONSTITUTION OF THE STATE OF ILLINOIS

ADOPTED ON THE THIRD DAY OF SEPTEMBER, NINETEEN HUNDRED AND SEVENTY, BY THE SIXTH ILLINOIS CONSTITUTIONAL CONVENTION AT THE OLD STATE CAPITOL IN THE CITY OF SPRINGFIELD.

PREAMBLE

We, the People of the State of Illinois—grateful to Almighty God for the civil, political and religious liberty which He has permitted us to enjoy and seeking His blessing upon our endeavors—in order to provide for the health, safety and welfare of the people; maintain a representative and orderly government; eliminate poverty and inequality; assure legal, social and economic justice; provide opportunity for the fullest development of the individual; insure domestic tranquility; provide for the common defense; and secure the blessings of freedom and liberty to ourselves and our posterity—do ordain and establish this Constitution for the State of Illinois.

ARTICLE I

BILL OF RIGHTS

SECTION 1. INHERENT AND INALIENABLE RIGHTS

All men are by nature free and independent and have certain inherent and inalienable rights among which are life, liberty and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed.

SECTION 2. DUE PROCESS AND EQUAL PROTECTION

No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws.

SECTION 3. RELIGIOUS FREEDOM

The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed, and no person shall be denied any civil or political right, privilege or capacity, on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the State. No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference by given by law to any religious denomination or mode of worship.

SECTION 4. FREEDOM OF SPEECH

All persons may speak, write and publish freely, being responsible for the abuse of that liberty. In trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense.

SECTION 5. RIGHT TO ASSEMBLE AND PETITION

The people have the right to assemble in a peaceable manner, to consult for the common good, to make known their opinions to their representatives and to apply for redress of grievances.

SECTION 6. SEARCHES, SEIZURES, PRIVACY AND INTERCEPTIONS

The people shall have the right to be secure in their persons, houses, papers and other possessions against unreasonable searches, seizures, invasions of privacy or interceptions of communications by eavesdropping devices or other means. No warrant shall issue without probable cause, supported by affidavit particularly describing the place to be searched and the persons or things to be seized.

SECTION 7. INDICTMENT AND PRELIMINARY HEARING

No person shall be held to answer for a criminal offense unless on indictment of a grand jury, except in cases in which the punishment is by fine or by imprisonment other than in the penitentiary, in cases of impeachment, and in cases arising in the militia when in actual service in time of war or public danger. The General Assembly by law may abolish the grand jury or further limit its use.

No person shall be held to answer for a crime punishable by death or by imprisonment in the penitentiary unless either the initial charge has been brought by indictment of a grand jury or the person has been given a prompt preliminary hearing to establish probable cause.

SECTION 8. RIGHTS AFTER INDICTMENT

In criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation and have a copy thereof; to meet the witnesses face to face and to have process to compel the attendance of witnesses in his behalf; and to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed.

SECTION 9. BAIL AND HABEAS CORPUS

All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is evident or the presumption great. The privilege of the writ of habeas corpus shall not be suspended except in cases of rebellion or invasion when the public safety may require it.

SECTION 10. SELF-INCRIMINATION AND DOUBLE JEOPARDY

No person shall be compelled in a criminal case to give evidence against himself nor be twice put in jeopardy for the same offense.

SECTION 11. LIMITATION OF PENALTIES AFTER CONVICTION

All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship. No conviction shall work corruption of blood or forfeiture of estate. No person shall be transported out of the State for an offense committed within the State.

SECTION 12. RIGHT TO REMEDY AND JUSTICE

Every person shall find a certain remedy in the laws for all injuries and wrongs which he receives to his person, privacy, property or reputation. He shall obtain justice by law, freely, completely, and promptly.

SECTION 13. TRIAL BY JURY

The right of trial by jury as heretofore enjoyed shall remain inviolate.

SECTION 14. IMPRISONMENT FOR DEBT

No person shall be imprisoned for debt unless he refuses to deliver up his estate for the benefit of his creditors as provided by law or unless there is a strong presumption of fraud. No person shall be imprisoned for failure to pay a fine in a criminal case unless he has been afforded adequate time to make payment, in installments if necessary, and has willfully failed to make payment.

SECTION 15. RIGHT OF EMINENT DOMAIN

Private property shall not be taken or damaged for public use without just compensation as provided by law. Such compensation shall be determined by a jury as provided by law.

SECTION 16. EX POST FACTO LAWS AND IMPAIRING CONTRACTS

No ex post facto law, or law impairing the obligation of contracts or making an irrevocable grant of special privileges or immunities, shall be passed.

SECTION 17. NO DISCRIMINATION IN EMPLOYMENT AND THE SALE OR RENTAL OF PROPERTY

All persons shall have the right to be free from discrimination on the basis of race, color, creed, national ancestry and sex in the hiring and promotion practices of any employer or in the sale or rental of property.

These rights are enforceable without action by the General Assembly, but the General Assembly by law may establish reasonable exemptions relating to these rights and provide additional remedies for their violation.

SECTION 18. NO DISCRIMINATION ON THE BASIS OF SEX

The equal protection of the laws shall not be denied or abridged on account of sex by the State or its units of local government and school districts.

SECTION 19. NO DISCRIMINATION AGAINST THE HANDICAPPED

All persons with a physical or mental handicap shall be free from discrimination in the sale or rental of property and shall be free from discrimination unrelated to ability in the hiring and promotion practices of any employer.

SECTION 20. INDIVIDUAL DIGNITY

To promote individual dignity, communications that portray criminality, depravity or lack of virtue in, or that incite violence, hatred, abuse or hostility toward, a person or group of persons by reason of or by reference to religious, racial, ethnic, national or regional affiliation are condemned.

SECTION 21. QUARTERING OF SOLDIERS

No soldier in time of peace shall be quartered in a house without the consent of the owner; nor in time of war except as provided by law.

SECTION 22. RIGHT TO ARMS

Subject only to the police power, the right of the individual citizen to keep and bear arms shall not be infringed.

SECTION 23. FUNDAMENTAL PRINCIPLES

A frequent recurrence to the fundamental principles of civil government is necessary to preserve the blessings of liberty. These blessings cannot endure unless the people recognize their corresponding individual obligations and responsibilities.

SECTION 24. RIGHTS RETAINED

The enumeration in this Constitution of certain rights shall not be construed to deny or disparage others retained by the individual citizens of the State.

ARTICLE II

THE POWERS OF THE STATE

SECTION 1. SEPARATION OF POWERS

The legislative, executive and judicial branches are separate. No branch shall exercise powers properly belonging to another.

SECTION 2. POWERS OF GOVERNMENT

The enumeration in this Constitution of specified powers and functions shall not be construed as a limitation of powers of state government.

ARTICLE III

SUFFRAGE AND ELECTIONS

SECTION 1. VOTING QUALIFICATIONS

Every United States citizen of the required voting age who has been a permanent resident of this State for at least six months next preceding any election shall have the right to vote at such election. The General Assembly by law may establish registration requirements and require permanent residence in an election district not to exceed thirty days prior to an election. The General Assembly by law may establish shorter residence requirements for voting for President and Vice-President of the United States.

SECTION 2. VOTING DISQUALIFICATIONS

A person convicted of a felony, or otherwise under sentence in a correctional institution or jail, shall lose the right to vote, which right shall be restored not later than upon completion of his sentence.

SECTION 3. ELECTIONS

All elections shall be free and equal.

SECTION 4. ELECTION LAWS

The General Assembly by law shall define permanent residence for voting purposes, insure secrecy of voting and the integrity of the election process, and facilitate registration and voting by all qualified persons. Laws governing voter registration and conduct of elections shall be general and uniform.

SECTION 5. BOARD OF ELECTIONS

A State Board of Elections shall have general supervision over the administration of the registration and election laws throughout the State. The General Assembly by law shall determine the size, manner of selection and compensation of the Board. No political party shall have a majority of members of the Board.

SECTION 6. GENERAL ELECTION

As used in all articles of this Constitution except Article VII, "general election" means the biennial election at which members of the General Assembly are elected. Such election shall be held on the Tuesday following the first Monday of November in even-numbered years or on such other day as provided by law.

ARTICLE IV

THE LEGISLATURE

SECTION 1. LEGISLATURE—POWER AND STRUCTURE

If the electors approve Proposition #1A providing for the election of Representatives to the General Assembly from multi-member districts with cumulative voting then Section 1 and Subsections (a) and (b) of Section 2 of Article IV contained in the Adoption Schedule shall be placed in this Constitution as Section 1 and Subsections (a) and (b) of Section 2 of Article IV.

If the electors approve Proposition #1B providing for the election of Representatives to the General Assembly from single member districts the language contained in Section 1 and Subsections (a) and (b) of Section 2 of Article IV contained in the Adoption Schedule shall be placed in this Constitution as Section 1 and Subsections (a) and (b) of Section 2, Article IV.

SECTION 2. LEGISLATIVE COMPOSITION

Subsections (a) and (b)

(c) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection.

(d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial District with more than twenty-eight months remaining in the term, the appointed Senator shall serve until the next general election, at which time a Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative District or in any other Senatorial District, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.

(e) No member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for time during which he is in attendance as a member of the General Assembly.

No member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term.

SECTION 3. LEGISLATIVE REDISTRICTING

(a) Senatorial and Representative Districts shall be compact, contiguous and substantially equal in population.

(b) In the year following each Federal decennial census year, the General Assembly by law shall redistrict the House and Senate.

If no redistricting plan becomes effective by June 30 of that year, a Legislative Redistricting Commission shall be constituted not later than July 10. The Commission shall consist of eight members, no more than four of whom shall be members of the same political party.

The Speaker and Minority Leader of the House of Representatives shall each appoint to the Commission one Representative and one person who is not a member of the General Assembly. The President and Minority Leader of the Senate shall each appoint to the Commission one Senator and one person who is not a member of the General Assembly.

The members shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within five days by the authority that made the original appointment. A Chairman and Vice Chairman shall be chosen by a majority of all members of the Commission.

Not later than August 10, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.

If the Commission fails to file an approved redistricting plan, the Supreme Court shall submit the names of two persons, not of the same political party, to the Secretary of State not later than September 1.

Not later than September 5, the Secretary of State publicly shall draw by random selection the name of one of the two persons to serve as the ninth member of the Commission.

Not later than October 5, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.

An approved redistricting plan filed with the Secretary of State shall be presumed valid, shall have the force and effect of law and shall be published promptly by the Secretary of State.

The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting the House and Senate, which shall be initiated in the name of the People of the State by the Attorney General.

SECTION 4. ELECTION

Members of the General Assembly shall be elected at the general election in even-numbered years.

SECTION 5. SESSIONS

(a) The General Assembly shall convene each year on the second Wednesday of January. The General Assembly shall be a continuous body during the term for which members of the House of Representatives are elected.

(b) The Governor may convene the General Assembly or the Senate alone in special session by a proclamation stating the purpose of the session; and only business encompassed by such purpose, together with any impeachments or confirmation of appointments shall be transacted. Special sessions of the General Assembly may also be convened by joint proclamation of the presiding officers of both houses, issued as provided by law.

(c) Sessions of each house of the General Assembly and meetings of committees, joint committees and legislative commissions shall be open to the public. Sessions and committee meetings of a house may be closed to the public if two-thirds of the members elected to that house determine that the public interest so requires; and meetings of joint committees and legislative commissions may be so closed if two-thirds of the members elected to each house so determine.

SECTION 6. ORGANIZATION

(a) A majority of the members elected to each house constitutes a quorum.

(b) On the first day of the January session of the General Assembly in odd-numbered years, the Secretary of State shall convene the House of Representatives to elect from its membership a Speaker of the House of Representatives as presiding officer, and the Governor shall convene the Senate to elect from its membership a President of the Senate as presiding officer.

(c) For purposes of powers of appointment conferred by this Constitution, the Minority Leader of either house is a member of the numerically strongest political party other than the party to which the Speaker or the President belongs, as the case may be.

(d) Each house shall determine the rules of its proceedings, judge the elections, returns and qualifications of its members and choose its officers. No member shall be expelled by either house, except by a vote of two-thirds of the members elected to that house. A member may be expelled only once for the same offense. Each house may punish by imprisonment any person, not a member, guilty of disrespect to the house by disorderly or contemptuous behavior in its presence. Imprisonment shall not extend beyond twenty-four hours at one time unless the person persists in disorderly or contemptuous behavior.

SECTION 7. TRANSACTION OF BUSINESS

(a) Committees of each house, joint committees of the two houses and legislative commissions shall give reasonable public notice of meetings, including a statement of subjects to be considered.

(b) Each house shall keep a journal of its proceedings and a transcript of its debates. The journal shall be published and the transcript shall be available to the public.

(c) Either house or any committee thereof as provided by law may compel by subpoena the attendance and testimony of witnesses and the production of books, records and papers.

SECTION 8. PASSAGE OF BILLS

(a) The enacting clause of the laws of this State shall be: "Be it enacted by the People of the State of Illinois, represented in the General Assembly."

(b) The General Assembly shall enact laws only by bill. Bills may originate in either house, but may be amended or rejected by the other.

(c) No bill shall become a law without the concurrence of a majority of the members elected to each house. Final passage of a bill shall be by record vote. In the Senate at the request of two members, and in the House at the request of five members, a record vote may be taken on any other occasion. A record vote is a vote by yeas and nays entered on the journal.

(d) A bill shall be read by title on three different days in each house. A bill and each amendment thereto shall be reproduced and placed on the desk of each member before final passage.

Bills, except bills for appropriations and for the codification, revision or rearrangement of laws, shall be confined to one subject. Appropriation bills shall be limited to the subject of appropriations.

A bill expressly amending a law shall set forth completely the sections amended.

The Speaker of the House of Representatives and the President of the Senate shall sign each bill that passes both houses to certify that the procedural requirements for passage have been met.

SECTION 9. VETO PROCEDURE

(a) Every bill passed by the General Assembly shall be presented to the Governor within 30 calendar days after its passage. The foregoing requirement shall be judicially enforceable. If the Governor approves the bill, he shall sign it and it shall become law.

(b) If the Governor does not approve the bill, he shall veto it by returning it with his objections to the house in which it originated. Any bill not so returned by the Governor within 60 calendar days after it is presented to him shall become law. If recess or adjournment of the General Assembly prevents the return of a bill, the bill and the Governor's objections shall be filed with the Secretary of State within such 60 calendar days. The Secretary of State shall return the bill and objections to the originating house promptly upon the next meeting of the same General Assembly at which the bill can be considered.

(c) The house to which a bill is returned shall immediately enter the Governor's objections upon its journal. If within 15 calendar days after such entry that house by a record vote of three-fifths of the members elected passes the bill, it shall be delivered immediately to the second house. If within 15 calendar days after such delivery the second house by a record vote of three-fifths of the members elected passes the bill, it shall become law.

(d) The Governor may reduce or veto any item of appropriations in a bill presented to him. Portions of a bill not reduced or vetoed shall become law. An item vetoed shall be returned to the house in which it originated and may become law in the same manner as a vetoed bill. An item reduced in amount shall be returned to the house in which it originated and may be restored to its original amount in the same manner as a vetoed bill except that the required record vote shall be a majority of the members elected to each house. If a reduced item is not so restored, it shall become law in the reduced amount.

(e) The Governor may return a bill together with specific recommendations for change to the house in which it originated. The bill shall be considered in the same manner as a vetoed bill but the specific recommendations may be accepted by a record vote of a majority of the members elected to each house. Such bill shall be presented again to the Governor and if he certifies that such acceptance conforms to his specific recommendations, the bill shall become law. If he does not so certify, he shall return it as a vetoed bill to the house in which it originated.

SECTION 10. EFFECTIVE DATE OF LAWS

The General Assembly shall provide by law for a uniform effective date for laws passed prior to July 1 of a calendar year. The General Assembly may provide for a different effective date in any law passed prior to July 1. A bill passed after June 30 shall not become effective prior to July 1 of the next calendar year unless the General Assembly by the vote of three-fifths of the members elected to each house provides for an earlier effective date.

SECTION 11. COMPENSATION AND ALLOWANCES

A member shall receive a salary and allowances as provided by law, but changes in the salary of a member shall not take effect during the term for which he has been elected.

SECTION 12. LEGISLATIVE IMMUNITY

Except in cases of treason, felony or breach of peace, a member shall be privileged from arrest going to, during, and returning from sessions of the General Assembly. A member shall not be held to answer before any other tribunal for any speech or debate, written or oral, in either house. These immunities shall apply to committee and legislative commission proceedings.

SECTION 13. SPECIAL LEGISLATION

The General Assembly shall pass no special or local law when a general law is or can be made applicable. Whether a general law is or can be made applicable shall be a matter for judicial determination.

SECTION 14. IMPEACHMENT

The House of Representatives has the sole power to conduct legislative investigations to determine the existence of cause for impeachment and, by the vote of a majority of the members elected, to impeach Executive and Judicial officers. Impeachments shall be tried by the Senate. When sitting for that purpose, Senators shall be upon oath, or affirmation, to do justice according to law. If the Governor is tried, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators elected. Judgment shall not extend beyond removal from office and disqualification to hold any public office of this State. An impeached officer, whether convicted or acquitted, shall be liable to prosecution, trial, judgment and punishment according to law.

SECTION 15. ADJOURNMENT

(a) When the General Assembly is in session, neither house without the consent of the other shall adjourn for more than three days or to a place other than where the two houses are sitting.

(b) If either house certifies that a disagreement exists between the houses as to the time for adjourning a session, the Governor may adjourn the General Assembly to a time not later than the first day of the next annual session.

ARTICLE V

THE EXECUTIVE

SECTION 1. OFFICERS

The Executive Branch shall include a Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller and Treasurer elected by the electors of the State. They shall keep the public records and maintain a residence at the seat of government during their terms of office.

SECTION 2. TERMS

These elected officers of the Executive Branch shall hold office for four years beginning on the second Monday of January after their election and, except in the case of the Lieutenant Governor, until their successors are qualified. They shall be elected at the general election in 1978 and every four years thereafter.

SECTION 3. ELIGIBILITY

To be eligible to hold the office of Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller or Treasurer, a person must be a United States citizen, at least 25 years old, and a resident of this State for the three years preceding his election.

SECTION 4. JOINT ELECTION

In the general election for Governor and Lieutenant Governor, one vote shall be cast jointly for the candidates nominated by the same political party or petition. The General Assembly may provide by law for the joint nomination of candidates for Governor and Lieutenant Governor.

SECTION 5. CANVASS—CONTESTS

The election returns for executive offices shall be sealed and transmitted to the Secretary of State, or other person or body provided by law, who shall examine and consolidate the returns. The person having the highest number of votes for an office shall be declared elected. If two or more persons have an equal and the highest number of votes for an office, they shall draw lots to determine which of them shall be declared elected. Election contests shall be decided by the courts in a manner provided by law.

SECTION 6. GUBERNATORIAL SUCCESSION

(a) In the event of a vacancy, the order of succession to the office of Governor or to the position of Acting Governor shall be the Lieutenant Governor, the elected Attorney General, the elected Secretary of State, and then as provided by law.

(b) If the Governor is unable to serve because of death, conviction on impeachment, failure to qualify, resignation or other disability, the office of Governor shall be filled by the officer next in line of succession for the remainder of the term or until the disability is removed.

(c) Whenever the Governor determines that he may be seriously impeded in the exercise of his powers, he shall so notify the Secretary of State and the officer next in line of succession. The latter shall thereafter become Acting Governor with the duties and powers of Governor. When the Governor is prepared to resume office, he shall do so by notifying the Secretary of State and the Acting Governor.

(d) The General Assembly by law shall specify by whom and by what procedures the ability of the Governor to serve or to resume office may be questioned and determined. The Supreme Court shall have original and exclusive jurisdiction to review such a law and any such determination and, in the absence of such a law, shall make the determination under such rules as it may adopt.

SECTION 7. VACANCIES IN OTHER ELECTIVE OFFICES

If the Attorney General, Secretary of State, Comptroller or Treasurer fails to qualify or if his office becomes vacant, the Governor shall fill the office by appointment. The appointee shall hold office until the elected officer qualifies or until a successor is elected and qualified as may be provided by law and shall not be subject to removal by the Governor. If the Lieutenant Governor fails to qualify or if his office becomes vacant, it shall remain vacant until the end of the term.

SECTION 8. GOVERNOR—SUPREME EXECUTIVE POWER

The Governor shall have the supreme executive power, and shall be responsible for the faithful execution of the laws.

SECTION 9. GOVERNOR—APPOINTING POWER

(a) The Governor shall nominate and, by and with the advice and consent of the Senate, a majority of the members elected concurring by record vote, shall appoint all officers whose election or appointment is not otherwise provided for. Any nomination not acted upon by the Senate within 60 session days after the receipt thereof shall be deemed to have received the advice and consent of the Senate. The General Assembly shall have no power to elect or appoint officers of the Executive Branch.

(b) If, during a recess of the Senate, there is a vacancy in an office filled by appointment by the Governor by and with the advice and consent of the Senate, the Governor shall make a temporary appointment until the next meeting of the Senate, when he shall make a nomination to fill such office.

(c) No person rejected by the Senate for an office shall, except at the Senate's request, be nominated again for that office at the same session or be appointed to that office during a recess of that Senate.

SECTION 10. GOVERNOR—REMOVALS

The Governor may remove for incompetence, neglect of duty, or malfeasance in office any officer who may be appointed by the Governor.

SECTION 11. GOVERNOR—AGENCY REORGANIZATION

The Governor, by Executive Order, may reassign functions among or reorganize executive agencies which are directly responsible to him. If such a reassignment or reorganization would contravene a statute, the Executive Order shall be delivered to the General Assembly. If the General Assembly is in annual session and if the Executive Order is delivered on or before April 1, the General Assembly shall consider the Executive Order at that annual session. If the General Assembly is not in annual session or if the Executive Order is delivered after April 1, the General Assembly shall consider the Executive Order at its next annual session, in which case the Executive Order shall be deemed to have been delivered on the first day of that annual session. Such an Executive Order shall not become effective if, within 60 calendar days after its delivery to the General Assembly, either house disapproves the Executive Order by the record vote of a majority of the members elected. An Executive Order not so disapproved shall become effective by its terms but not less than 60 calendar days after its delivery to the General Assembly.

SECTION 12. GOVERNOR—PARDONS

The Governor may grant reprieves, commutations and pardons, after conviction, for all offenses on such terms as he thinks proper. The manner of applying therefore may be regulated by law.

SECTION 13. GOVERNOR—LEGISLATIVE MESSAGES

The Governor, at the beginning of each annual session of the General Assembly and at the close of his term of office, shall report to the General Assembly on the condition of the State and recommend such measures as he deems desirable.

SECTION 14. LIEUTENANT GOVERNOR—DUTIES

The Lieutenant Governor shall perform the duties and exercise the powers in the Executive Branch that may be delegated to him by the Governor and that may be prescribed by law.

SECTION 15. ATTORNEY GENERAL—DUTIES

The Attorney General shall be the legal officer of the State, and shall have the duties and powers that may be prescribed by law.

SECTION 16. SECRETARY OF STATE—DUTIES

The Secretary of State shall maintain the official records of the acts of the General Assembly and such official records of the Executive Branch as provided by law. Such official records shall be available for inspection by the public. He shall keep the Great Seal of the State of Illinois and perform other duties that may be prescribed by law.

SECTION 17. COMPTROLLER—DUTIES

The Comptroller, in accordance with law, shall maintain the State's central fiscal accounts, and order payments into and out of the funds held by the Treasurer.

SECTION 18. TREASURER—DUTIES

The Treasurer, in accordance with law, shall be responsible for the safekeeping and investment of monies and securities deposited with him, and for their disbursement upon order of the Comptroller.

SECTION 19. RECORDS—REPORTS

All officers of the Executive Branch shall keep accounts and shall make such reports as may be required by law. They shall provide the Governor with information relating to their respective offices, either in writing under oath, or otherwise, as the Governor may require.

SECTION 20. BOND

Civil officers of the Executive Branch may be required by law to give reasonable bond or other security for the faithful performance of their duties. If any officer is in default of such a requirement, his office shall be deemed vacant.

SECTION 21. COMPENSATION

Officers of the Executive Branch shall be paid salaries established by law and shall receive no other compensation for their services. Changes in the salaries of these officers elected or appointed for stated terms shall not take effect during the stated terms.

ARTICLE VI

THE JUDICIARY

SECTION 1. COURTS

The judicial power is vested in a Supreme Court, an Appellate Court and Circuit Courts.

SECTION 2. JUDICIAL DISTRICTS

The State is divided into five Judicial Districts for the selection of Supreme and Appellate Court Judges. The First Judicial District consists of Cook County. The remainder of the State shall be divided by law into four Judicial Districts of substantially equal population, each of which shall be compact and composed of contiguous counties.

SECTION 3. SUPREME COURT—ORGANIZATION

The Supreme Court shall consist of seven Judges. Three shall be selected from the First Judicial District and one from each of the other Judicial Districts. Four Judges constitute a quorum and the concurrence of four is necessary for a decision. Supreme Court Judges shall select a Chief Justice from their number to serve for a term of three years.

SECTION 4. SUPREME COURT—JURISDICTION

(a) The Supreme Court may exercise original jurisdiction in cases relating to revenue, mandamus, prohibition or habeas corpus and as may be necessary to the complete determination of any case on review.

(b) Appeals from judgments of Circuit Courts imposing a sentence of death shall be directly to the Supreme Court as a matter of right. The Supreme Court shall provide by rule for direct appeal in other cases.

(c) Appeals from the Appellate Court to the Supreme Court are a matter of right if a question under the Constitution of the United States or of this State arises for the first time in and as a result of the action of the Appellate Court, or if a division of the Appellate Court certifies that a case decided by it involves a question of such importance that the case should be decided by the Supreme Court. The Supreme Court may provide by rule for appeals from the Appellate Court in other cases.

SECTION 5. APPELLATE COURT—ORGANIZATION

The number of Appellate Judges to be selected from each Judicial District shall be provided by law. The Supreme Court shall prescribe by rule the number of Appellate divisions in each Judicial District. Each Appellate division shall have at least three Judges. Assignments to divisions shall be made by the Supreme Court. A majority of a division constitutes a quorum and the concurrence of a majority of the division is necessary for a decision. There shall be at least one division in each Judicial District and each division shall sit at times and places prescribed by rules of the Supreme Court.

SECTION 6. APPELLATE COURT—JURISDICTION

Appeals from final judgments of a Circuit Court are a matter of right to the Appellate Court in the Judicial District in which the Circuit Court is located except in cases appealable directly to the Supreme Court and except that after a trial on the merits in a criminal case, there shall be no appeal from a judgment of acquittal. The Supreme Court may provide by rule for appeals to the Appellate Court from other than final judgments of Circuit Courts. The Appellate Court may exercise original jurisdiction when necessary to the complete determination of any case on review. The Appellate Court shall have such powers of direct review of administrative action as provided by law.

SECTION 7. JUDICIAL CIRCUITS

(a) The State shall be divided into Judicial Circuits consisting of one or more counties. The First Judicial District shall constitute a Judicial Circuit. The Judicial Circuits within the other Judicial Districts shall be as provided by law. Circuits composed of more than one county shall be compact and of contiguous counties. The General Assembly by law may provide for the division of a circuit for the purpose of selection of Circuit Judges and for the selection of Circuit Judges from the circuit at large.

(b) Each Judicial Circuit shall have one Circuit Court with such number of Circuit Judges as provided by law. Unless otherwise provided by law, there shall be at least one Circuit Judge from each county. In the First Judicial District, unless otherwise provided by law, Cook County, Chicago, and the area outside Chicago shall be separate units for the selection of Circuit Judges, with at least twelve chosen at large from the area outside Chicago and at least thirty-six chosen at large from Chicago.

(c) Circuit Judges in each circuit shall select by secret ballot a Chief Judge from their number to serve at their pleasure. Subject to the authority of the Supreme Court, the Chief Judge shall have general administrative authority over his court, including authority to provide for divisions, general or specialized, and for appropriate times and places of holding court.

SECTION 8. ASSOCIATE JUDGES

Each Circuit Court shall have such number of Associate Judges as provided by law. Associate Judges shall be appointed by the Circuit Judges in each circuit as the Supreme Court shall provide by rule. In the First Judicial District, unless otherwise provided by law, at least one-fourth of the Associate Judges shall be appointed from, and reside, outside Chicago. The Supreme Court shall provide by rule for matters to be assigned to Associate Judges.

SECTION 9. CIRCUIT COURTS—JURISDICTION

Circuit Courts shall have original jurisdiction of all justiciable matters except when the Supreme Court has original and exclusive jurisdiction relating to redistricting of the General Assembly and to the ability of the Governor to serve or resume office. Circuit Courts shall have such power to review administrative action as provided by law.

SECTION 10. TERMS OF OFFICE

The terms of office of Supreme and Appellate Court Judges shall be ten years; of Circuit Judges, six years; and of Associate Judges, four years.

SECTION 11. ELIGIBILITY FOR OFFICE

No person shall be eligible to be a Judge or Associate Judge unless he is a United States citizen, a licensed attorney-at-law of this State, and a resident of the unit which selects him. No change in the boundaries of a unit shall affect the tenure in office of a Judge or Associate Judge incumbent at the time of such change.

SECTION 12. ELECTION AND RETENTION

If the electors approve Proposition #2A providing for the election of Supreme, Appellate and Circuit Court Judges, Section 12 of Article VI contained in the Adoption Schedule shall be placed in this Constitution as Section 12 of Article VI.

If the electors approve Proposition #2B providing for appointment of Judges by the Governor from nominees submitted by Nominating Commissions, Section 12 and Section 13 contained in the Adoption Schedule shall be placed in this Constitution as Sections 12 and 13 of Article VI and Sections 13 through 19 of Article VI shall be renumbered Sections 14 through 20, respectively.

SECTION 13. PROHIBITED ACTIVITIES

(a) The Supreme Court shall adopt rules of conduct for Judges and Associate Judges.

(b) Judges and Associate Judges shall devote full time to judicial duties. They shall not practice law, hold a position of profit, hold office under the United States or this State or unit of local government or school district or in a political party. Service in the State militia or armed forces of the United States for periods of time permitted by rule of the Supreme Court shall not disqualify a person from serving as a Judge or Associate Judge.

SECTION 14. JUDICIAL SALARIES AND EXPENSES—FEE OFFICERS ELIMINATED

Judges shall receive salaries provided by law which shall not be diminished to take effect during their terms of office. All salaries and such expenses as may be provided by law shall be paid by the State, except that Appellate, Circuit and Associate Judges shall receive such additional compensation from counties within their district or circuit as may be provided by law. There shall be no fee officers in the judicial system.

SECTION 15. RETIREMENT—DISCIPLINE

(a) The General Assembly may provide by law for the retirement of Judges and Associate Judges at a prescribed age. Any retired Judge or Associate Judge, with his consent, may be assigned by the Supreme Court to judicial service for which he shall receive the applicable compensation in lieu of retirement benefits. A retired Associate Judge may be assigned only as an Associate Judge.

(b) A Judicial Inquiry Board is created. The Supreme Court shall select two Circuit Judges as members and the Governor shall appoint four persons who are not lawyers and three lawyers as members of the Board. No more than two of the lawyers and two of the non-lawyers appointed by the Governor shall be members of the same political party. The terms of Board members shall be four years. A vacancy on the Board shall be filled for a full term in the manner the original appointment was made. No member may serve on the Board more than eight years.

(c) The Board shall be convened permanently, with authority to conduct investigations, receive or initiate complaints concerning a Judge or Associate Judge, and file complaints with the Courts Commission. The Board shall not file a complaint unless five members believe that a reasonable basis exists (1) to charge the Judge or Associate Judge with willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to charge that the Judge or Associate Judge is physically or mentally unable to perform his duties. All proceedings of the Board shall be confidential except the filing of a complaint with the Courts Commission. The Board shall prosecute the complaint.

(d) The Board shall adopt rules governing its procedures. It shall have subpoena power and authority to appoint and direct its staff. Members of the Board who are not Judges shall receive per diem compensation and necessary expenses; members who are Judges shall receive necessary expenses only. The General Assembly by law shall appropriate funds for the operation of the Board.

(e) A Courts Commission is created consisting of one Supreme Court Judge selected by that Court, who shall be its chairman, two Appellate Court Judges selected by that Court, and two Circuit Judges selected by the Supreme Court. The Commission shall be convened permanently to hear complaints filed by the Judicial Inquiry Board. The Commission shall have authority after notice and public hearing, (1) to remove from office, suspend without pay, censure or reprimand a Judge or Associate Judge for willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to suspend, with or without pay, or retire a Judge or Associate Judge who is physically or mentally unable to perform his duties.

(f) The concurrence of three members of the Commission shall be necessary for a decision. The decision of the Commission shall be final.

(g) The Commission shall adopt rules governing its procedures and shall have power to issue subpoenas. The General Assembly shall provide by law for the expenses of the Commission.

SECTION 16. ADMINISTRATION

General administrative and supervisory authority over all courts is vested in the Supreme Court and shall be exercised by the Chief Justice in accordance with its rules. The Supreme Court shall appoint an administrative director and staff, who shall serve at its pleasure, to assist the Chief Justice in his duties. The Supreme Court may assign a Judge temporarily to any court and an Associate Judge to serve temporarily as an Associate Judge on any Circuit Court. The Supreme Court shall provide by rule for expeditious and inexpensive appeals.

SECTION 17. JUDICIAL CONFERENCE

The Supreme Court shall provide by rule for an annual judicial conference to consider the work of the courts and to suggest improvements in the administration of justice and shall report thereon annually in writing to the General Assembly not later than January 31.

SECTION 18. CLERKS OF COURTS

(a) The Supreme Court and the Appellate Court Judges of each Judicial District, respectively, shall appoint a clerk and other non-judicial officers for their Court or District.

(b) The General Assembly shall provide by law for the election, or for the appointment by Circuit Judges, of clerks and other non-judicial officers of the Circuit Courts and for their terms of office and removal for cause.

(c) The salaries of clerks and other non-judicial officers shall be as provided by law.

SECTION 19. STATE'S ATTORNEYS—SELECTION, SALARY

A State's Attorney shall be elected in each county in 1972 and every fourth year thereafter for a four year term. One State's Attorney may be elected to serve two or more counties if the governing boards of such counties so provide and a majority of the electors of each county voting on the issue approve. A person shall not be eligible for the office of State's Attorney unless he is a United States citizen and a licensed attorney-at-law of this State. His salary shall be provided by law.

ARTICLE VII

LOCAL GOVERNMENT

SECTION 1. MUNICIPALITIES AND UNITS OF LOCAL GOVERNMENT

"Municipalities" means cities, villages and incorporated towns. "Units of local government" means counties, municipalities, townships, special districts, and units, designated as units of local government by

law, which exercise limited governmental powers or powers in respect to limited governmental subjects, but does not include school districts.

SECTION 2. COUNTY TERRITORY, BOUNDARIES AND SEATS

(a) The General Assembly shall provide by law for the formation, consolidation, merger, division, and dissolution of counties, and for the transfer of territory between counties.

(b) County boundaries shall not be changed unless approved by referendum in each county affected.

(c) County seats shall not be changed unless approved by three-fifths of those voting on the question in a county-wide referendum.

SECTION 3. COUNTY BOARDS

(a) A county board shall be elected in each county. The number of members of the county board shall be fixed by ordinance in each county within limitations provided by law.

(b) The General Assembly by law shall provide methods available to all counties for the election of county board members. No county, other than Cook County, may change its method of electing board members except as approved by county-wide referendum.

(c) Members of the Cook County Board shall be elected from two districts, Chicago and that part of Cook County outside Chicago, unless (1) a different method of election is approved by a majority of votes cast in each of the two districts in a county-wide referendum or (2) the Cook County Board by ordinance divides the county into single member districts from which members of the County Board resident in each district are elected. If a different method of election is adopted pursuant to option (1) the method of election may thereafter be altered only pursuant to option (2) or by county-wide referendum. A different method of election may be adopted pursuant to option (2) only once and the method of election may thereafter be altered only by county-wide referendum.

SECTION 4. COUNTY OFFICERS

(a) Any county may elect a chief executive officer as provided by law. He shall have those duties and powers provided by law and those provided by county ordinance.

(b) The President of the Cook County Board shall be elected from the County at large and shall be the chief executive officer of the County. If authorized by county ordinance, a person seeking election as President of the Cook County Board may also seek election as a member of the Board.

(c) Each county shall elect a sheriff, county clerk and treasurer and may elect or appoint a coroner, recorder, assessor, auditor and such other officers as provided by law or by county ordinance. Except as changed pursuant to this Section, elected county officers shall be elected for terms of four years at general elections as provided by law. Any office may be created or eliminated and the terms of office and manner of selection changed by county-wide referendum. Offices other than sheriff, county clerk and treasurer may be eliminated and the terms of office and manner of selection changed by law. Offices other than sheriff, county clerk, treasurer, coroner, recorder, assessor and auditor may be eliminated and the terms of office and manner of selection changed by county ordinance.

(d) County officers shall have those duties, powers and functions provided by law and those provided by county ordinance. County officers shall have the duties, powers or functions derived from common law or historical precedent unless altered by law or county ordinance.

(e) The county treasurer or the person designated to perform his functions may act as treasurer of any unit of local government and any school district in his county when requested by any such unit or school district and shall so act when required to do so by law.

SECTION 5. TOWNSHIPS

The General Assembly shall provide by law for the formation of townships in any county when approved by county-wide referendum. Townships may be consolidated or merged, and one or more townships may be dissolved or divided, when approved by referendum in each township affected. All townships in a county may be dissolved when approved by a referendum in the total area in which township officers are elected.

SECTION 6. POWERS OF HOME RULE UNITS

(a) A County which has a chief executive officer elected by the electors of the county and any municipality which has a population of more than 25,000 are home rule units. Other municipalities may elect by referendum to become home rule units. Except as limited by this Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt.

(b) A home rule unit by referendum may elect not to be a home rule unit.

(c) If a home rule county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction.

(d) A home rule unit does not have the power (1) to incur debt payable from ad valorem property tax receipts maturing more than 40 years from the time it is incurred or (2) to define and provide for the punishment of a felony.

(e) A home rule unit shall have only the power that the General Assembly may provide by law (1) to punish by imprisonment for more than six months or (2) to license for revenue or impose taxes upon or measured by income or earnings or upon occupations.

(f) A home rule unit shall have the power subject to approval by referendum to adopt, alter or repeal a form of government provided by law, except that the form of government of Cook County shall be subject to the provisions of Section 3 of this Article. A home rule municipality shall have the power to provide for its officers, their manner of selection and terms of office only as approved by referendum or as otherwise authorized by law. A home rule county shall have the power to provide for its officers, their manner of selection and terms of office in the manner set forth in Section 4 of this Article.

(g) The General Assembly by a law approved by the vote of three-fifths of the members elected to each house may deny or limit the power to tax and any other power or function of a home rule unit not exercised or performed by the State other than a power or function specified in subsection (1) of this section.

(h) The General Assembly may provide specifically by law for the exclusive exercise by the State of any power or function of a home rule unit other than a taxing power or a power or function specified in subsection (1) of this Section.

(i) Home rule units may exercise and perform concurrently with the State any power or function of a home rule unit to the extent that the General Assembly by law does not specifically limit the concurrent exercise or specifically declare the State's exercise to be exclusive.

(j) The General Assembly may limit by law the amount of debt which home rule counties may incur and may limit by law approved by three-fifths of the members elected to each house the amount of debt, other than debt payable from ad valorem property tax receipts, which home rule municipalities may incur.

(k) The General Assembly may limit by law the amount and require referendum approval of debt to be incurred by home rule municipalities, payable from ad valorem property tax receipts, only in excess of the following percentages of the assessed value of its taxable property: (1) if its population is 500,000 or more, an aggregate of three percent; (2) if its population is more than 25,000 and less than 500,000, an aggregate of one percent; and (3) if its population is 25,000 or less, an aggregate of one-half percent. Indebtedness which is

outstanding on the effective date of this Constitution or which is thereafter approved by referendum or assumed from another unit of local government shall not be included in the foregoing percentage amounts.

(l) The General Assembly may not deny or limit the power of home rule units (1) to make local improvements by special assessment and to exercise this power jointly with other counties and municipalities, and other classes of units of local government having that power on the effective date of this Constitution unless that power is subsequently denied by law to any such other units of local government or (2) to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services.

(m) Powers and functions of home rule units shall be construed liberally.

SECTION 7. COUNTIES AND MUNICIPALITIES OTHER THAN HOME RULE UNITS

Counties and municipalities which are not home rule units shall have only powers granted to them by law and the powers (1) to make local improvements by special assessment and to exercise this power jointly with other counties and municipalities, and other classes of units of local government having that power on the effective date of this Constitution unless that power is subsequently denied by law to any such other units of local government; (2) by referendum, to adopt, alter or repeal their forms of government provided by law; (3) in the case of municipalities, to provide by referendum for their officers, manner of selection and terms of office; (4) in the case of counties, to provide for their officers, manner of selection and terms of office as provided in Section 4 of this Article; (5) to incur debt except as limited by law and except that debt payable from ad valorem property tax receipts shall mature within 40 years from the time it is incurred; and (6) to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services.

SECTION 8. POWERS AND OFFICERS OF SCHOOL DISTRICTS AND UNITS OF LOCAL GOVERNMENT OTHER THAN COUNTIES AND MUNICIPALITIES

Townships, school districts special districts and units, designated by law as units of local government, which exercise limited governmental powers or powers in respect to limited governmental subjects shall have only powers granted by law. No law shall grant the power (1) to any of the foregoing units to incur debt payable from ad valorem property tax receipts maturing more than 40 years from the time it is incurred, or (2) to make improvements by special assessments to any of the foregoing classes of units which do not have that power on the effective date of this Constitution. The General Assembly shall provide by law for the selection of officers of the foregoing units, but the officers shall not be appointed by any person in the Judicial Branch.

SECTION 9. SALARIES AND FEES

(a) Compensation of officers and employees and the office expenses of units of local government shall not be paid from fees collected. Fees may be collected as provided by law and by ordinance and shall be deposited upon receipt with the treasurer of the unit. Fees shall not be based upon funds disbursed or collected, nor upon the levy or extension of taxes.

(b) An increase or decrease in the salary of an elected officer of any unit of local government shall not take effect during the term for which that officer is elected.

SECTION 10. INTERGOVERNMENTAL COOPERATION

(a) Units of local government and school districts may contract or otherwise associate among themselves, with the State, with other states and their units of local government and school districts, and with the United States to obtain or share services and to exercise, combine, or transfer any power or function, in any manner not prohibited by law or by ordinance. Units of local government and school districts may contract and otherwise associate with individuals, associations, and corporations in any manner not prohibited by law or by ordinance. Participating units of government may use their credit, revenues, and other resources to pay costs and to service debt related to intergovernmental activities.

(b) Officers and employees of units of local government and school districts may participate in intergovernmental activities authorized by their units of government without relinquishing their offices or positions.

(c) The State shall encourage intergovernmental cooperation and use its technical and financial resources to assist intergovernmental activities.

SECTION 11. INITIATIVE AND REFERENDUM

(a) Proposals for actions which are authorized by this Article or by law and which require approval by referendum may be initiated and submitted to the electors by resolution of the governing board of a unit of local government or by petition of electors in the manner provided by law.

(b) Referenda required by this Article shall be held at general elections, except as otherwise provided by law. Questions submitted to referendum shall be adopted if approved by a majority of those voting on the question unless a different requirement is specified in this Article.

SECTION 12. IMPLEMENTATION OF GOVERNMENTAL CHANGES

The General Assembly shall provide by law for the transfer of assets, powers and functions, and for the payment of outstanding debt in connection with the formation, consolidation, merger, division, dissolution and change in the boundaries of units of local government.

ARTICLE VIII
FINANCE

SECTION 1. GENERAL PROVISIONS

(a) Public funds, property or credit shall be used only for public purposes.

(b) The State, units of local government and school districts shall incur obligations for payment or make payments from public funds only as authorized by law or ordinance.

(c) Reports and records of the obligation, receipt and use of public funds of the State, units of local government and school districts are public records available for inspection by the public according to law.

SECTION 2. STATE FINANCE

(a) The Governor shall prepare and submit to the General Assembly, at a time prescribed by law, a State budget for the ensuing fiscal year. The budget shall set forth the estimated balance of funds available for appropriation at the beginning of the fiscal year, the estimated receipts, and a plan for expenditures and obligations during the fiscal year of every department, authority, public corporation and quasi-public corporation of the State, every State college and university, and every other public agency created by the State, but not of units of local government or school districts. The budget shall also set forth the indebtedness and contingent liabilities of the State and such other information as may be required by law. Proposed expenditures shall not exceed funds estimated to be available for the fiscal year as shown in the budget.

(b) The General Assembly by law shall make appropriations for all expenditures of public funds by the State. Appropriations for a fiscal year shall not exceed funds estimated by the General Assembly to be available during that year.

SECTION 3. STATE AUDIT AND AUDITOR GENERAL

(a) The General Assembly shall provide by law for the audit of the obligation, receipt and use of public funds of the State. The General Assembly, by a vote of three-fifths of the members elected to each house, shall appoint an Auditor General and may remove him for cause by a similar vote. The Auditor General shall serve for a term of ten years. His compensation shall be established by law and shall not be diminished, but may be increased, to take effect during his term.

(b) The Auditor General shall conduct the audit of public funds of the State. He shall make additional reports and investigations as directed by the General Assembly. He shall report his findings and recommendations to the General Assembly and to the Governor.

SECTION 4. SYSTEMS OF ACCOUNTING, AUDITING AND REPORTING

The General Assembly by law shall provide systems of accounting, auditing and reporting of the obligation, receipt and use of public funds. These systems shall be used by all units of local government and school districts.

ARTICLE IX
REVENUE

SECTION 1. STATE REVENUE POWER

The General Assembly has the exclusive power to raise revenue by law except as limited or otherwise provided in this Constitution. The power of taxation shall not be surrendered, suspended, or contracted away.

SECTION 2. NON-PROPERTY TAXES—CLASSIFICATION, EXEMPTIONS, DEDUCTIONS, ALLOWANCES AND CREDITS

In any law classifying the subjects or objects of non-property taxes or fees, the classes shall be reasonable and the subjects and objects within each class shall be taxed uniformly. Exemptions, deductions, credits, refunds and other allowances shall be reasonable.

SECTION 3. LIMITATIONS ON INCOME TAXATION

(a) A tax on or measured by income shall be at a non-graduated rate. At any one time there may be no more than one such tax imposed by the State for State purposes on individuals and one such tax so imposed on corporations. In any such tax imposed upon corporations the rate shall not exceed the rate imposed on individuals by more than a ratio of 8 to 5.

(b) Laws imposing taxes on or measured by income may adopt by reference provisions of the laws and regulations of the United States, as they then exist or thereafter may be changed, for the purpose of arriving at the amount of income upon which the tax is imposed.

SECTION 4. REAL PROPERTY TAXATION

(a) Except as otherwise provided in this Section, taxes upon real property shall be levied uniformly by valuation ascertained as the General Assembly shall provide by law.

(b) Subject to such limitations as the General Assembly may hereafter prescribe by law, counties with a population of more than 200,000 may classify or to continue to classify real property for purposes of taxation. Any such classification shall be reasonable and assessments shall be uniform within each class. The level of assessment or rate of tax of the highest class in a county shall not exceed two and one-half times the level of assessment or rate of tax of the lowest class in that county. Real property used in farming in a county shall not be assessed at a higher level of assessment than single family residential real property in that county.

(c) Any depreciation in the value of real estate occasioned by a public easement may be deducted in assessing such property.

SECTION 5. PERSONAL PROPERTY TAXATION

(a) The General Assembly by law may classify personal property for purposes of taxation by valuation, abolish such taxes on any or all classes and authorize the levy of taxes in lieu of the taxation of personal property by valuation.

(b) Any ad valorem personal property tax abolished on or before the effective date of this Constitution shall not be reinstated.

(c) On or before January 1, 1979, the General Assembly by law shall abolish all ad valorem personal property taxes and concurrently therewith and thereafter shall replace all revenue lost by units of local government and school districts as a result of the abolition of ad valorem personal property taxes subsequent to January 2, 1971. Such revenue shall be replaced by imposing statewide taxes, other than ad valorem taxes on real estate, solely on those classes relieved of the burden of paying ad valorem personal property taxes because of the abolition of such taxes subsequent to January 2, 1971. If any taxes imposed for such replacement purposes are taxes on or measured by income, such replacement taxes shall not be considered for purposes of the limitations of one tax and the ratio of 8 to 5 set forth in Section 3(a) of this Article.

SECTION 6. EXEMPTIONS FROM PROPERTY TAXATION

The General Assembly by law may exempt from taxation only the property of the State, units of local government and school districts and property used exclusively for agricultural and horticultural societies, and for school, religious, cemetery and charitable purposes. The General Assembly by law may grant homestead exemptions or rent credits.

SECTION 7. OVERLAPPING TAXING DISTRICTS

The General Assembly may provide by law for fair apportionment of the burden of taxation of property situated in taxing districts that lie in more than one county.

SECTION 8. TAX SALES

(a) Real property shall not be sold for the non-payment of taxes or special assessments without judicial proceedings.

(b) The right of redemption from all sales of real estate for the non-payment of taxes or special assessments shall exist in favor of owners and persons interested in such real estate for not less than two years following such sales. Owners, occupants and parties interested shall be given reasonable notice of the sale and the date of expiration of the period of redemption as the General Assembly provides by law.

SECTION 9. STATE DEBT

(a) No State debt shall be incurred except as provided in this Section. For the purpose of this Section, "State debt" means bonds or other evidences of indebtedness which are secured by the full faith and credit of the State or are required to be repaid, directly or indirectly, from tax revenue and which are incurred by the State, any department, authority, public corporation or quasi-public corporation of the State, any State college or university, or any other public agency created by the State, but not by units of local government, or school districts.

(b) State debt for specific purposes may be incurred or the payment of State or other debt guaranteed in such amounts as may be provided either in a law passed by the vote of three-fifths of the members elected to each house of the General Assembly or in a law approved by a majority of the electors voting on the question at the next general election following passage. Any law providing for the incurring or guaranteeing of debt shall set forth the specific purposes and the manner of repayment.

(c) State debt in anticipation of revenues to be collected in a fiscal year may be incurred by law in an amount not exceeding 5% of the State's appropriations for that fiscal year. Such debt shall be retired from the revenues realized in that fiscal year.

(d) State debt may be incurred by law in an amount not exceeding 15% of the State's appropriations for that fiscal year to meet deficits caused by emergencies or failures of revenue. Such law shall provide that the debt be repaid within one year of the date it is incurred.

(e) State debt may be incurred by law to refund outstanding State debt if the refunding debt matures within the term of the outstanding State debt.

(f) The State, departments, authorities, public corporations and quasi-public corporations of the State, the State colleges and universities and other public agencies created by the State, may issue bonds or other evidences of indebtedness which are not secured by the full faith and credit or tax revenue of the State nor required to be repaid, directly or indirectly, from tax revenue, for such purposes and in such amounts as may be authorized by law.

SECTION 10. REVENUE ARTICLE NOT LIMITED

This Article is not qualified or limited by the provisions of Article VII of this Constitution concerning the size of the majorities in the General Assembly necessary to deny or limit the power to tax granted to units of local government.

ARTICLE X

EDUCATION

SECTION 1. GOAL—FREE SCHOOLS

A fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities.

The State shall provide for an efficient system of high quality public educational institutions and services. Education in public schools through the secondary level shall be free. There may be such other free education as the General Assembly provides by law.

The State has the primary responsibility for financing the system of public education.

SECTION 2. STATE BOARD OF EDUCATION—CHIEF STATE EDUCATIONAL OFFICER

(a) There is created a State Board of Education to be elected or selected on a regional basis. The number of members, their qualifications, terms of office and manner of election or selection shall be provided by law. The Board, except as limited by law, may establish goals, determine policies, provide for planning and evaluating education programs and recommend financing. The Board shall have such other duties and powers as provided by law.

(b) The State Board of Education shall appoint a chief state educational officer.

SECTION 3. PUBLIC FUNDS FOR SECTARIAN PURPOSES FORBIDDEN

Neither the General Assembly nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money, or other personal property ever be made by the State, or any such public corporation, to any church, or for any sectarian purpose.

ARTICLE XI

ENVIRONMENT

SECTION 1. PUBLIC POLICY—LEGISLATIVE RESPONSIBILITY

The public policy of the State and the duty of each person is to provide and maintain a healthful environment for the benefit of this and future generations. The General Assembly shall provide by law for the implementation and enforcement of this public policy.

SECTION 2. RIGHTS OF INDIVIDUALS

Each person has the right to a healthful environment. Each person may enforce this right against any party, governmental or private, through appropriate legal proceedings subject to reasonable limitation and regulation as the General Assembly may provide by law.

ARTICLE XII
MILITIA

SECTION 1. MEMBERSHIP

The State militia consists of all able-bodied persons residing in the State except those exempted by law.

SECTION 2. SUBORDINATION OF MILITARY POWER

The military shall be in strict subordination to the civil power.

SECTION 3. ORGANIZATION, EQUIPMENT AND DISCIPLINE

The General Assembly shall provide by law for the organization, equipment and discipline of the militia in conformity with the laws governing the armed forces of the United States.

SECTION 4. COMMANDER-IN-CHIEF AND OFFICERS

(a) The Governor is commander-in-chief of the organized militia, except when they are in the service of the United States. He may call them out to enforce the laws, suppress insurrection or repel invasion.

(b) The Governor shall commission militia officers who shall hold their commissions for such time as may be provided by law.

SECTION 5. PRIVILEGE FROM ARREST

Except in cases of treason, felony or breach of peace, persons going to, returning from or on militia duty are privileged from arrest.

ARTICLE XIII
GENERAL PROVISIONS

SECTION 1. DISQUALIFICATION FOR PUBLIC OFFICE

A person convicted of a felony, bribery, perjury or other infamous crime shall be ineligible to hold an office created by this Constitution. Eligibility may be restored as provided by law.

SECTION 2. STATEMENT OF ECONOMIC INTERESTS

All candidates for or holders of state offices and all members of a Commission or Board created by this Constitution shall file a verified statement of their economic interests, as provided by law. The General Assembly by law may impose a similar requirement upon candidates for, or holders of, offices in units of local government and school districts. Statements shall be filed annually with the Secretary of State and shall be available for inspection by the public. The General Assembly by law shall prescribe a reasonable time for filing the statement. Failure to file a statement within the time prescribed shall result in ineligibility for, or forfeiture of, office. This Section shall not be construed as limiting the authority of any branch of government to establish and enforce ethical standards for that branch.

SECTION 3. OATH OR AFFIRMATION OF OFFICE

Each prospective holder of a State office or other State position created by this Constitution, before taking office, shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (affirm) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of ..... to the best of my ability."

SECTION 4. SOVEREIGN IMMUNITY ABOLISHED

Except as the General Assembly may provide by law, sovereign immunity in this State is abolished.

SECTION 5. PENSION AND RETIREMENT RIGHTS

Membership in any pension or retirement system of the State, any unit of local government or

school district, or any agency or instrumentality thereof, shall be an enforceable contractual relationship, the benefits of which shall not be diminished or impaired.

SECTION 6. CORPORATIONS

Corporate charters shall be granted, amended, dissolved, or extended only pursuant to general laws.

SECTION 7. PUBLIC TRANSPORTATION

Public transportation is an essential public purpose for which public funds may be expended. The General Assembly by law may provide for, aid, and assist public transportation, including the granting of public funds or credit to any corporation or public authority authorized to provide public transportation within the State.

SECTION 8. BRANCH BANKING

Branch banking shall be authorized only by law approved by three-fifths of the members voting on the question or a majority of the members elected, whichever is greater, in each house of the General Assembly.

ARTICLE XIV

CONSTITUTIONAL REVISION

SECTION 1. CONSTITUTIONAL CONVENTION

(a) Whenever three-fifths of the members elected to each house of the General Assembly so direct, the question of whether a Constitutional Convention should be called shall be submitted to the electors at the general election next occurring at least six months after such legislative direction.

(b) If the question of whether a Convention should be called is not submitted during any twenty-year period, the Secretary of State shall submit such question at the general election in the twentieth year following the last submission.

(c) The vote on whether to call a Convention shall be on a separate ballot. A Convention shall be called if approved by three-fifths of those voting on the question or a majority of those voting in the election.

(d) The General Assembly, at the session following approval by the electors, by law shall provide for the Convention and for the election of two delegates from each Senatorial District; designate the time and place of the Convention's first meeting which shall be within three months after the election of delegates; fix and provide for the pay of delegates and officers; and provide for expenses necessarily incurred by the Convention.

(e) To be eligible to be a delegate a person must meet the same eligibility requirements as a member of the General Assembly. Vacancies shall be filled as provided by law.

(f) The Convention shall prepare such revision of or amendments to the Constitution as it deems necessary. Any proposed revision or amendments approved by a majority of the delegates elected shall be submitted to the electors in such manner as the Convention determines, at an election designated or called by the Convention occurring not less than two nor more than six months after the Convention's adjournment. Any revision or amendments proposed by the Convention shall be published with explanations, as the Convention provides, at least one month preceding the election.

(g) The vote on the proposed revision or amendments shall be on a separate ballot. Any proposed revision or amendments shall become effective, as the Convention provides, if approved by a majority of those voting on the question.

SECTION 2. AMENDMENTS BY GENERAL ASSEMBLY

(a) Amendments to this Constitution may be initiated in either house of the General Assembly. Amendments shall be read in full on three different days in each house and reproduced before the vote is taken on final passage. Amendments approved by the vote of three-fifths of the members elected to each house shall be submitted to the electors at the general election next occurring at least six months after such legislative approval, unless withdrawn by a vote of a majority of the members elected to each house.

(b) Amendments proposed by the General Assembly shall be published with explanations, as provided by law, at least one month preceding the vote thereon by the electors. The vote on the proposed amendment or amendments shall be on a separate ballot. A proposed amendment shall become effective as the amendment provides if approved by either three-fifths of those voting on the question or a majority of those voting in the election.

(c) The General Assembly shall not submit proposed amendments to more than three Articles of the Constitution at any one election. No amendment shall be proposed or submitted under this Section from the time a Convention is called until after the electors have voted on the revision or amendments, if any, proposed by such Convention.

SECTION 3. CONSTITUTIONAL INITIATIVE FOR LEGISLATIVE ARTICLE

Amendments to Article IV of this Constitution may be proposed by a petition signed by a number of electors equal in number to at least eight percent of the total votes cast for candidates for Governor in the preceding gubernatorial election. Amendments shall be limited to structural and procedural subjects contained in Article IV. A petition shall contain the text of the proposed amendment and the date of the general election at which the proposed amendment is to be submitted, shall have been signed by the petitioning electors not more than twenty-four months preceding that general election and shall be filed with the Secretary of State at least six months before that general election. The procedure for determining the validity and sufficiency of a petition shall be provided by law. If the petition is valid and sufficient, the proposed amendment shall be submitted to the electors at that general election and shall become effective if approved by either three-fifths of those voting on the amendment or a majority of those voting in the election.

SECTION 4. AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES

The affirmative vote of three-fifths of the members elected to each house of the General Assembly shall be required to request Congress to call a Federal Constitutional Convention, to ratify a proposed amendment to the Constitution of the United States, or to call a State Convention to ratify a proposed amendment to the Constitution of the United States. The General Assembly shall not take action on any proposed amendment to the Constitution of the United States submitted for ratification by legislatures unless a majority of the members of the General Assembly shall have been elected after the proposed amendment has been submitted for ratification. The requirements of this Section shall govern to the extent that they are not inconsistent with requirements established by the United States.

TRANSITION SCHEDULE

The following Schedule Provisions shall remain part of this Constitution until their terms have been executed. Once each year the Attorney General shall review the following provisions and certify to the Secretary of State which, if any, have been executed. Any provisions so certified shall thereafter be removed from the Schedule and no longer published as part of this Constitution.

Section 1. Delayed Effective Dates.
Section 2. Prospective Operation of Bill of Rights.
Section 3. Election of Executive Officers.
Section 4. Judicial Offices.
Section 5. Local Government.
Section 6. Authorized Bonds.

Section 7. Superintendent of Public Instruction.
Section 8. Cumulative Voting for Directors.
Section 9. General Transition.
Section 10. Accelerated Effective Date.

SECTION 1. DELAYED EFFECTIVE DATES

(a) The provisions of Section 1, 2(a), 2(b) and 2(c) of Article IV shall not apply to the General Assembly elected at the general election in 1970. Notwithstanding Section 6(b) of Article IV, the incumbent Lieutenant Governor for the remainder of his term shall be the President of the Senate with a right to vote when the Senate is equally divided.

(b) Section 9(a) of Article VII shall become effective on December 1, 1971.

(c) Section 2 of Article VIII shall become effective on January 1, 1972.

(d) The second sentence of Section 2 of Article XI shall become effective on January 1, 1972.

(e) Sections 2 and 4 of Article XIII shall become effective on January 1, 1972.

SECTION 2. PROSPECTIVE OPERATION OF BILL OF RIGHTS

Any rights, procedural or substantive, created for the first time by Article I shall be prospective and not retroactive.

SECTION 3. ELECTION OF EXECUTIVE OFFICERS

The Governor, Lieutenant Governor, Attorney General, Secretary of State and Comptroller elected in 1972 shall serve for four years and those elected in 1976 for two years. The Treasurer elected in 1974 shall serve for four years.

SECTION 4. JUDICIAL OFFICES

(a) On the effective date of this Constitution, Associate Judges and magistrates shall become Circuit Judges and Associate Judges, respectively, of their Circuit Courts. All laws and rules of court theretofore applicable to Associate Judges and magistrates shall remain in force and be applicable to the persons in their new offices until changed by the General Assembly or the Supreme Court, as the case may be.

(b) Notwithstanding the provisions of Section 11 of Article VI, magistrates in office on the effective date thereof are eligible to serve as Associate Judges.

(c) Notwithstanding the provisions of Section 18 of Article VI, the Clerk of the Supreme Court and the Clerks of the Appellate Court Districts in office on the effective date of this Constitution shall continue in office until the expiration of their elective terms.

(d) Until otherwise provided by law and except to the extent that the authority is inconsistent with Section 8 of Article VII, the Circuit Courts shall continue to exercise the non-judicial functions vested by law as of December 31, 1963, in county courts or the judges thereof.

SECTION 5. LOCAL GOVERNMENT

(a) The number of members of a county board in a county which, as of the effective date of this Constitution, elects three members at large may be changed only as approved by countywide referendum. If the number of members of such a county board is changed by county-wide referendum, the provisions of Section 3(a) of Article VII relating to the number of members of a county board shall govern thereafter.

(b) In Cook County, until (1) a method of election of county board members different from the method in existence on the effective date of this Constitution is approved by a majority of votes cast both in Chicago and in the area outside Chicago in a county-wide referendum or (2) the Cook County Board by ordinance divides the county into single member districts from which members of the County Board resident in each district are elected, the number of members of the Cook County Board shall be fifteen except that the county board may increase the number if necessary to comply with apportionment require-

ments. If either of the foregoing changes is made, the provisions of Section 3(a) of Article VII shall apply thereafter to Cook County.

(c) Townships in existence on the effective date of this Constitution are continued until consolidated, merged, divided or dissolved in accordance with Section 5 of Article VII.

SECTION 6. AUTHORIZED BONDS

Nothing in Section 9 of Article IX shall be construed to limit or impair the power to issue bonds or other evidences of indebtedness authorized but unissued on the effective date of this Constitution.

SECTION 7. SUPERINTENDENT OF PUBLIC INSTRUCTION

Section 2(b) of Article X shall take effect upon the existence of a vacancy in the Office of Superintendent of Public Instruction but no later than the end of the term of the Superintendent of Public Instruction elected in 1970.

SECTION 8. CUMULATIVE VOTING FOR DIRECTORS

Shareholders of all corporations heretofore organized under any law of this State which requires cumulative voting of shares for corporate directors shall retain their right to vote cumulatively for such directors.

SECTION 9. GENERAL TRANSITION

The rights and duties of all public bodies shall remain as if this Constitution had not been adopted with the exception of such changes as are contained in this Constitution. All laws, ordinances, regulations and rules of court not contrary to, or inconsistent with, the provisions of this Constitution shall remain in force, until they shall expire by their own limitation or shall be altered or repealed pursuant to this Constitution. The validity of all public and private bonds, debts and contracts, and of all suits, actions and rights of action, shall continue as if no change had taken place. All officers filling any office by election or appointment shall continue to exercise the duties thereof, until their offices shall have been abolished or their succesors selected and qualified in accordance with this Constitution or laws enacted pursuant thereto.

SECTION 10. ACCELERATED EFFECTIVE DATE

The effective date of Section 3 of Article IV shall be January 15, 1971.

For purposes of appointing members of a Legislative Redistricting Commission in 1971, the President Pro Tempore of the Senate shall have the appointing power vested by Section 3(b) of Article IV in the President of the Senate.

ADOPTION SCHEDULE

The following Schedule Provisions shall not be deemed to be a part of this Constitution except for the limited purpose of governing the determination of whether or not this Constitution has been adopted, the determination of what changes thereto have been made as a result of the vote on each of the separately submitted issues, and the establishment of the general effective date of this Constitution. The following provisions shall not be published as part of this Constitution except insofar as any of the provisions set out below become part of the Constitution by virtue of the adoption of a separately submitted provision.

SECTION 1.

Except as otherwise provided in Section 1 of the Transition Schedule, this Constitution, if approved by the electors as provided by the Constitution of 1870, as amended, shall take effect on July 1, 1971, and the Constitution of 1870, as amended, shall thereafter be of no force and effect except to the extent that the contingencies provided for in Section 6 of this Adoption Schedule may require.

SECTION 2.

If Separate Question No. 1A concerning cumulative voting is approved by the electors and if the proposed Constitution of 1970 is approved by the electors, then the following changes shall be made in the following Sections of the Constitution prior to promulgation and publication:

(a) Section 1 of Article IV

Section 1 of Article IV of the proposed Constitution shall be deleted and the following substituted therefor:

SECTION 1. LEGISLATURE—POWER AND STRUCTURE

The legislative power is vested in a General Assembly consisting of a Senate and a House of Representatives elected by the electors from 59 Legislative Districts.

SECTION 2. LEGISLATIVE COMPOSITION

(a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the General Assembly by law shall divide the Legislative Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years; Senators from the second group, for terms of four years, two years and four years; and Senators from the third group, for terms of two years, four years and four years. The Legislative Districts in each group shall be distributed substantially equally over the State.

(b) Three Representatives shall be elected from each Legislative District for a term of two years. No political party shall limit its nominations to less than two candidates for Representative in any Legislative District. In elections for Representatives, including those for nomination, each elector may cast three votes for one candidate or distribute them equally among no more than three candidates. The candidates highest in votes shall be declared elected.

(b) Section 3 of Article IV

The words "Senatorial and Representative" in the first sentence of subsection (a) shall be deleted and the word "Legislative" shall be substituted therefor.

The words "House and Senate" in the first sentence of subsection (b) shall be deleted and the words "Legislative Districts" substituted therefor.

(c) Section 2 of Article IV

The word "District" appearing three times in the second and third sentences of subsection (d) shall be deleted and the word "office" shall be substituted therefor.

(d) Section 1 of Article XIV

The word "Senatorial" in subsection (d) shall be deleted and the word "Legislative" shall be substituted therefor.

If Separate Question No. 1B concerning election of Representatives to the General Assembly from single member districts is approved by the electors and if the proposed Constitution of 1970 is approved by the electors, then the following changes shall be made in the following Sections of the Constitution prior to promulgation and publication:

(a) Section 1 of Article IV

Section 1 of Article IV of the proposed Constitution shall be deleted and the following substituted therefor:

SECTION 1. LEGISLATURE—POWER AND STRUCTURE

The legislative power is vested in a General Assembly consisting of a Senate of 59 members and a House of Representatives of 177 members elected by the electors from 59 Senatorial and 177 Representative Districts.

SECTION 2. LEGISLATIVE COMPOSITION

(a) One Senator shall be elected from each Senatorial District. Immediately following each decennial redistricting, the General Assembly by law shall divide the Senatorial Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years; Senators from the second group, for terms of four years, two years and four years; and Senators from the third group, for terms of two years, four years and four years. The Senatorial Districts in each group shall be distributed substantially equally over the State.

(b) Each Senatorial District shall be divided into three Representative Districts and one Representative shall be elected from each Representative District for a term of two years.

SECTION 3.

If Separate Question No. 2A concerning election of Judges is approved by the electors and if the proposed Constitution of 1970 is approved by the electors, then the following changes shall be made in the following Sections of the Constitution prior to promulgation and publication:

(a) Section 12 of Article VI

Section 12 of Article VI of the proposed Constitution shall be deleted and the following substituted therefor:

SECTION 12. ELECTION AND RETENTION

(a) Supreme, Appellate and Circuit Judges shall be nominated at primary elections or by petition. Judges shall be elected at general or judicial elections as the General Assembly shall provide by law. A person eligible for the office of Judge may cause his name to appear on the ballot as a candidate for Judge at the primary and at the general or judicial elections by submitting petitions. The General Assembly shall prescribe by law the requirements for petitions.

(b) The office of a Judge shall be vacant upon his death, resignation, retirement, removal, or upon the conclusion of his term without retention in office. Whenever an additional Appellate or Circuit Judge is authorized by law, the office shall be filled in the manner provided for filling a vacancy in that office.

(c) A vacancy occurring in the office of Supreme, Appellate or Circuit Judge shall be filled as the General Assembly may provide by law. In the absence of a law, vacancies may be filled by appointment by the Supreme Court. A person appointed to fill a vacancy 60 or more days prior to the next primary election to nominate Judges shall serve until the vacancy is filled for a term at the next general or judicial election. A person appointed to fill a vacancy less than 60 days prior to the next primary election to nominate Judges shall serve until the vacancy is filled at the second general or judicial election following such appointment.

(d) Not less than six months before the general election preceding the expiration of his term of office, a Supreme, Appellate or Circuit Judge who has been elected to that office may file in the office of the Secretary of State a declaration of candidacy to succeed himself. The Secretary of State, not less than 63 days before the election, shall certify the Judge's candidacy to the proper election officials. The names of Judges seeking retention shall be submitted to the electors, separately and without party designation, on the sole question whether each Judge shall be retained in office for another term. The retention elections shall be conducted at general elections in the appropriate Judicial District, for Supreme and Appellate Judges, and in the circuit for Circuit Judges. The affirmative vote of three-fifths of the electors voting on the question shall elect the Judge to the office for a term commencing on the first Monday in December following his election.

(e) A law reducing the number of Appellate or Circuit Judges shall be without prejudice to the right of the Judges affected to seek retention in office. A reduction shall become effective when a vacancy occurs in the affected unit.

If Separate Question No. 2B concerning appointment of judges is approved by the electors and if the proposed Constitution of 1970 is approved by the electors, then the following changes shall be made in the following Sections of the Constitution prior to promulgation and publication:

(a) Section 12 of Article VI

Section 12 of Article VI of the proposed Constitution shall be deleted and the following substituted therefor:

SECTION 12. APPOINTMENT AND RETENTION

(a) Supreme, Appellate and Circuit Court Judges shall be appointed by the Governor from nominees submitted by Judicial Nominating Commissions.

(b) The office of a Judge shall be vacant upon his death, resignation, retirement, removal, or upon the conclusion of his term without retention in office. Whenever an additional Appellate or Circuit Judge is authorized by law, the office shall be filled in the manner provided for filling a vacancy in that office.

(c) If a vacancy occurs in the office of Supreme, Appellate or Circuit Judge, the administrative director shall notify the chairman of the appropriate Nominating Commission, who shall immediately convene the Commission. Within 56 days after delivery of the notice, the Commission shall submit a list of three qualified persons to the Governor. If there is more than one vacancy on the same court, the number of qualified persons listed shall be three times the number of vacancies. The Commission may determine and advise the Supreme Court that the number of qualified persons available is less than three times the number of vacancies. The Supreme Court may accept this determination and permit only the names of those available to be listed; otherwise it shall request the Commission to continue its search for qualified persons. The Governor, immediately upon receipt of the list, shall make it public. Not fewer than 28 nor more than 56 days after delivery of the list to the Governor, he shall appoint therefrom one person to fill each vacancy. If the Governor does not make the appointment within the 56 days, the Supreme Court shall make the appointment promptly from the list, except during the 60 day period in which the Governor is prohibited from making such appointment. During the last 60 days of his term a Governor who has not been elected for a subsequent term shall not appoint any Judge.

(d) A Judge appointed to fill a vacancy shall serve an initial term ending on the first Monday in December following the next general election held after he has completed one year in office.

(e) Not less than six months before the general election preceding the expiration of his term of office, a Judge may file in the office of the Secretary of State a declaration of candidacy to succeed himself. The Secretary of State, not less than 63 days before the election, shall certify the Judge's

candidacy to the proper election officials. The names of Judges seeking retention shall be submitted to the electors, separately and without party designation, on the sole question whether each Judge shall be retained in office for another term. The retention elections shall be conducted at the general elections in the appropriate Judicial District for Supreme and Appellate Judges, and in the circuit for Circuit Judges. The affirmative votes of three-fifths of the electors voting on the question shall elect a Judge to the office for a term commencing on the first Monday in December following the election.

(f) A law reducing the number of Appellate or Circuit Judges shall be without prejudice to the right of the Judges affected to seek retention in office. The reduction shall become effective after a vacancy in the affected unit occurs.

SECTION 13. JUDICIAL NOMINATING COMMISSIONS

(a) There shall be a Nominating Commission for each Judicial District to nominate persons for the offices of Supreme and Appellate Court Judge, and for each Judicial Circuit to nominate persons for the office of Circuit Judge.

(b) The Commission for each Judicial District other than the First shall consist of seven persons who are not lawyers and six lawyers. A Judicial Circuit in the district shall have not more than one resident non-lawyer and one resident lawyer on the Commission unless there is at least one resident non-lawyer and one resident lawyer on the Commission from each circuit in the district.

(c) The Commission for the First Judicial District and the Commission for the Cook County Judicial Circuit each shall consist of eleven persons who are not lawyers and ten lawyers.

(d) The Commission for each Judicial Circuit other than Cook County shall consist of six persons who are not lawyers and five lawyers.

(e) The Speaker and Minority Leader of the House of Representatives of the General Assembly each shall appoint one non-lawyer member and the Governor shall appoint the other non-lawyer members to each Nominating Commission.

(f) Not more than a simple majority of the Governors' appointees to each District Commission and to the Cook County Circuit Commission, and not more than two of their appointees to any one of the other Circuit Commissions, shall be members of the same political party. All of the Governors' appointees shall be qualified primary electors.

(g) Lawyer members of each Commission shall be elected by secret ballot by all lawyers admitted to practice in Illinois who are residents of the district or circuit, respectively, in accordance with the rules of the Supreme Court. Not more than half of the lawyer members on a Commission, or in the case of an odd number, one more than half, shall be members of the same political party.

(h) Commission members shall be residents of the district or circuit for which the Commission makes nominations.

(i) The terms of Commission members shall be six years. A vacancy in the office of a Commission member shall be filled for the unexpired term in the manner that the original appointment to that office was made.

(j) A person may not be nominated to fill a judicial office except upon the concurrence of a majority of all the members of a Commission.

(k) Each Commission shall select from among its members a chairman whose term shall be three years. Subject to rules of the Supreme Court, Commissions shall prescribe rules of procedure, conduct investigations and informal hearings, and employ staff.

(l) Commission members shall not receive compensation for their services but shall be entitled to

reimbursement for necessary expense. The General Assembly by law shall appropriate funds for the expenses of the Commissions.

(m) No member of a Judicial Nominating Commission may be appointed to judicial office for a period of three years from the last day of his service on a Judicial Nominating Commission. A member may not serve on more than one Judicial Nominating Commission at a time nor may he, having served a full term, serve on a Judicial Nominating Commission during the next three years.

(b) Sections 13 through 19 of Article VI

Sections 13 through 19 of Article VI shall be renumbered Sections 14 through 20, respectively.

(c) The following shall be added as Subsection (e) to Section 4 of the Transition Schedule:

As near as may be one-half of the initial lawyer members and one-half of the initial non-lawyer members of each Commission shall serve for three years. The initial appointees of the Speaker and Minority Leader to each Commission shall serve for three years. The Governor shall divide his initial appointees to each Commission into two groups and designate one group to serve for three years and the other for six years. As near as may be, on each Commission the number of non-lawyer members serving three years and the number serving six years shall be equal. Not more than half of the non-lawyer members serving six years, or in the case of an odd number, one more than half, shall be members of the same political party. The initial lawyer members shall be divided into two groups equal as near as may be, in such manner as the Supreme Court shall provide, one group to serve for three years and one for six years, as determined by the Supreme Court.

SECTION 4.

If Separate Question No. 3 concerning the death penalty is approved by the electors and if the proposed Constitution of 1970 is approved by the electors, as provided by the Constitution of 1870, as amended, then the following changes shall be made in the following Sections of the Constitution prior to promulgation and publication:

(a) Section 7 of Article I.

The words "by death or" shall be deleted from the second sentence.

(b) Section 11 of Article I.

The sentence "No penalty shall prescribe death." shall be inserted after the first sentence.

(c) Section 4 (b) of Article VI.

The first sentence shall be deleted and the second sentence changed to read: "The Supreme Court shall provide by rule for direct appeal from judgments of Circuit Courts."

If Separate Question No. 3 is not approved by the electors but the proposed Constitution of 1970 is approved by the electors, then no changes shall be made therein.

SECTION 5.

If Separate Question No. 4 concerning the voting age is approved by the electors and if the proposed Constitution of 1970 is approved by the electors, then the following changes shall be made in the following Sections of the Constitution prior to promulgation and publication:

Section 1 of Article III

The words "of the required voting age" in the first sentence shall be deleted and the words "who has attained the age of 18 and" substituted therefor.

If Separate Question No. 4 is not approved by the electors but the proposed Constitution of 1970 is approved by the electors as provided by the Constitution of 1870, the following changes shall be made therein:

Section 1 of Article III

The words "of the required voting age" in the first sentence shall be deleted and the words "who has

attained the age of 21 or any other voting age required by the United States for voting in State elections and" shall be substituted therefor.

SECTION 6.

(a) If neither Proposition #1A nor Proposition #1B is approved by the electors, but the proposed Constitution of 1970 is approved by the electors, all as provided by the Constitution of 1870 as amended, Section 1 of Article IV of the proposed Constitution of 1970 shall be deleted and the following provisions of Sections 1, 6, and 7 of Article IV, of the Constitution of 1870 as amended, as conformed to the other provisions of Article IV of the proposed Constitution of 1970, shall remain in effect and be inserted as Section 1(a), 1(b) and 1(c) of the Constitution of 1970:

Section 1; the second sentence and all of the third paragraph of Section 6; and the second sentence and all of the third paragraph of Section 7.

These provisions as so conformed shall read as follows:

SECTION 1. LEGISLATURE—POWER, STRUCTURE AND COMPOSITION

(a) The legislative power shall be vested in a General Assembly which shall consist of a Senate and House of Representatives, both to be elected by the people.

(b) There shall be fifty-eight Senatorial Districts. The Senatorial Districts shall be numbered one, two, three, and so forth, including fifty-eight. Immediately following each decennial redistricting, each such district shall elect one Senator. Senators from the even-numbered Districts shall be elected for terms of four years, four years and two years and Senators from the odd-numbered Districts shall be elected for terms of two years, four years and four years. The Senatorial Districts in each group shall be distributed equally over the State.

(c) There shall be fifty-nine Representative Districts. Three Representatives shall be elected in each Representative District in 1972 and every two years thereafter. The term of office shall be two years. In all elections of Representatives aforesaid, each qualified voter may cast as many votes for one candidate as there are Representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates as he shall see fit; and the candidates highest in votes shall be declared elected.

Subsections (c), (d) and (e) of Section 2 of Article IV of the 1970 Constitution shall be renumbered as Subsections (a), (b) and (c) of Section 2 of the 1970 Constitution.

(b) If neither Proposition #2A nor Proposition #2B is approved by the electors, but the proposed Constitution of 1970 is approved by the electors, all as provided by the Constitution of 1870 as amended, Section 12 of Article VI of the proposed Constitution of 1970 shall be deleted, and the provisions of Sections 10 and 11 of Article VI of the Constitution of 1870 as amended, as conformed to the other provisions of Article VI of the proposed Constitution of 1970, shall remain in effect and be inserted as Section 12 of the Constitution of 1970.

These provisions as so conformed shall read as follows:

SECTION 12. ELECTION OR SELECTION—RETENTION IN OFFICE

All of the judges provided for herein shall be nominated by party convention or primary and elected at general elections by the electors in the respective judicial districts, judicial circuits, counties, or units. Provided, however, the General Assembly may provide by law for the selection and tenure of all judges provided herein as distinguished from nomination and election by the electors, but no law establishing a method of selecting judges and providing their tenure shall be adopted or amended except by a vote of two-thirds of the members elected to each House, nor shall any method of selecting judges and providing their tenure become law until the question of the method of selection be first submitted to the electors at the next general election. If a majority of those voting upon the question shall favor the method of selection or tenure as submitted it shall then become law.

The office of any judge shall be deemed vacant upon his death, resignation, rejection, removal or retirement. Whenever a vacancy occurs in the office of judge, the vacancy shall be filled for the unexpired

portion of the term by the voters at an election as above provided in this Section, or in such other manner as the General Assembly may provide by law as set out in this Section and approved by the electors. Whenever an additional judge is authorized by law, the office shall be filled in the same manner as in the case of a vacancy.

Not less than six months prior to the general election next preceding the expiration of his term of office, any judge previously elected may file in the office of the Secretary of State a declaration of candidacy to succeed himself, and the Secretary of State, not less than 61 days prior to the election, shall certify such candidacy to the proper election officials. At the election the name of each judge who has filed such a declaration shall be submitted to the voters, on a special judicial ballot without party designation, on the sole question whether he shall be retained in office for another term. The elections shall be conducted in the appropriate judicial districts, circuits, counties and units. The affirmative votes of a majority of the voters voting on the question shall elect him to the office for another term commencing the first Monday in December following the election. Any judge who does not file a declaration within the time herein specified, or, having filed, fails of re-election, shall vacate his office at the expiration of his term, whether or not his successor, who shall be selected for a full term pursuant to this Section shall yet have qualified.

Any law reducing the number of judges of the Appellate Court in any District or the number of Circuit judges in any circuit shall be without prejudice to the right of judges in office at the time of its enactment to seek retention in office as hereinabove provided.

OFFICIAL BLUE BALLOT

(Instructions to Voters: Place an "X" in the boxes opposite the propositions for which you desire to vote. The full text of the proposed 1970 Constitution and the separate propositions is available for inspection in your polling place.)

Do you approve the proposed 1970 Constitution?	Yes	
	No	

1.

WHICH OF THE FOLLOWING PROVISIONS SHALL THE LEGISLATIVE ARTICLE OF THE PROPOSED 1970 CONSTITUTION CONTAIN CONCERNING THE ELECTION OF REPRESENTATIVES TO THE GENERAL ASSEMBLY? (Vote ONLY for one)

1A.	Election of the 177 members of the House of Representatives from *multi-member districts by cumulative voting.*	1A	
		OR	
1B.	Election of the 177 members of the House of Representatives from *single member districts.*	1B	

2.

WHICH OF THE FOLLOWING PROVISIONS SHALL THE JUDICIAL ARTICLE OF THE PROPOSED 1970 CONSTITUTION CONTAIN CONCERNING THE SELECTION OF SUPREME, APPELLATE AND CIRCUIT COURT JUDGES? (Vote ONLY for one)

2A.	The *election* by the voters of Judges nominated in primary elections or by petition.	2A	
		OR	
2B.	The *appointment* of Judges by the Governor from nominees submitted by Judicial Nominating Commissions.	2B	

SHALL THE 1970 CONSTITUTION CONTAIN PROVISIONS:

3.

Abolishing the death penalty?	Yes	
	No	

4.

Lowering the voting age to 18?	Yes	
	No	

Done in Convention at the Old State Capitol, in the City of Springfield, on the third day of September, in the year of our Lord one thousand nine hundred and seventy, of the Independence of the United States of America the one hundred and ninety-fifth, and of the Statehood of Illinois the one hundred and fifty-second.

The Constitution

OF THE STATE OF MICHIGAN

Michigan's Constitutions

Michigan has adopted four Constitutions. The Constitution of 1835 was adopted two years before Michigan became a state. The Constitutional Convention of 1835 met at the Territorial Capitol in Detroit on May 11, 1835, and adjourned on June 24, 1835. The Constitution of 1835 was adopted at an election held on October 5 and 6, 1835, by a vote of 6,752 to 1,374.

On June 3, 1850, a Constitutional Convention met at Lansing and completed its revision on August 15. The Constitution of 1850 was presented at the election of November 5, 1850, and adopted by a vote of 36,169 to 9,433.

Over fifty years passed before a new Constitution was adopted. On October 22, 1907, a Constitutional Convention convened at Lansing and completed its revision on March 3, 1908. The Constitution of 1908 was adopted on November 3, 1908, by a vote of 244,705 to 130,783.

Four attempts were made to call a Constitutional Convention for the purpose of revising the Constitution of 1908 before the question was approved by the voters on April 3, 1961. A primary election for the purpose of electing delegates was held on July 25, 1961, and on September 12, 1961, one hundred forty-four delegates were elected. The delegates met at Convention Hall in the Civic Center, Lansing, on October 3, 1961, and adopted the proposed Constitution on August 1, 1962. The Constitution was submitted at the election of April 1, 1963, and adopted. A recount established the vote as 810,860 to 803,436. The effective date of the Constitution of 1963 was January 1, 1964.

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The material in bold face type is not a part of the constitution.

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prepared by the
LEGISLATIVE SERVICE BUREAU

PREAMBLE

We, the people of the state of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and our posterity, do ordain and establish this constitution.

ARTICLE I

Declaration of Rights

Political power.

Sec. 1. All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

Equal protection; discrimination.

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

Assembly, consultation, instruction, petition.

Sec. 3. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances.

Freedom of worship and religious belief; appropriations.

Sec. 4. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

Freedom of speech and of press.

Sec. 5. Every person may freely speak, write, express and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be enacted to restrain or abridge the liberty of speech or of the press.

Bearing of arms.

Sec. 6. Every person has a right to keep and bear arms for the defense of himself and the state.

Military power subordinate to civil power.

Sec. 7. The military shall in all cases and at all times be in strict subordination to the civil power.

Quartering of soldiers.

Sec. 8. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Slavery and involuntary servitude.

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Attainder; ex post facto laws; impairment of contracts.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

Searches and seizures.

Sec. 11. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation. The provisions of this section shall not be construed to bar from evidence in any criminal proceeding any narcotic drug, firearm, bomb, explosive or any other dangerous weapon, seized by a peace officer outside the curtilage of any dwelling house in this state.

Habeas corpus.

Sec. 12. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

Conduct of suits in person or by counsel.

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Jury trials.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

Double jeopardy; bailable offenses.

Sec. 15. No person shall be subject for the same offense to be twice put in jeopardy. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

Bail; fines; punishments; detention of witnesses.

Sec. 16. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

Self-incrimination; due process of law; fair treatment at investigations.

Sec. 17. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.

Witnesses; competency, religious beliefs.

Sec. 18. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

Libels, truth as defense.

Sec. 19. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it appears to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the accused shall be acquitted.

Accused, rights in criminal prosecutions.

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Imprisonment for debt.

Sec. 21. No person shall be imprisoned for debt arising out of or founded on contract, express or implied, except in cases of fraud or breach of trust.

Treason; definition, evidence.

Sec. 22. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act or on confession in open court.

Enumeration of rights not to deny others.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE II

ELECTIONS

Qualifications of electors; residence.

Sec. 1. Every citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.

Mental incompetence; imprisonment.

Sec. 2. The legislature may by law exclude persons from voting because of mental incompetence or commitment to a jail or penal institution.

Presidential electors; residence.

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Place and manner of elections.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Time of elections.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Voters on tax limit increases or bond issues.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Boards of canvassers.

Sec. 7. A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Recalls.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Initiative and referendum; limitations; appropriations; petitions.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent

for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

Referendum, approval.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Initiative; duty of legislature, referendum.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

Legislative rejection of initiated measure; different measure; submission to people.

If the law so proposed is not enacted by the legislature within the 40 days, the state officer authorized by law shall submit such proposed law to the people for approval or rejection at the next general election. The legislature may reject any measure so proposed by initiative petition and propose a different measure upon the same subject by a yea and nay vote upon separate roll calls, and in such event both measures shall be submitted by such state officer to the electors for approval or rejection at the next general election.

Initiative or referendum law; effective date, veto, amendment and repeal.

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

Legislative implementation.

The legislature shall implement the provisions of this section.

ARTICLE III

General Government

Seat of government.

Sec. 1. The seat of government shall be at Lansing.

Separation of powers of government.

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Great seal.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

Militia.

Sec. 4. The militia shall be organized, equipped and disciplined as provided by law.

Intergovernmental agreements; service by public officers and employees.

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Internal improvements.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements provided by law.

Common law and statutes, continuance.

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

Opinions on constitutionality by supreme court.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

ARTICLE IV

Legislative Branch

Legislative power.

Sec. 1. The legislative power of the State of Michigan is vested in a senate and a house of representatives.

Senators, number, term.

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

Senatorial districts, apportionment factors.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each

county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

Apportionment rules.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties is entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.

(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.

(3) Counties entitled to two or more senators shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

Representatives, number, term; contiguity of districts.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Representative areas, single and multiple county.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

Apportionment of representatives to areas.

After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.

Districting of single county area entitled to 2 or more representatives.

Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:

(1) The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.

(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.

Districting of multiple county representative areas.

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population, adhering to county lines.

Annexation or merger with a city.

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Island areas, contiguity.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Commission on legislative apportionment.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

Eligibility to membership.

No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature until two years after the apportionment in which they participated becomes effective.

Appointment, term, vacancies.

The commission shall be appointed immediately after the adoption of this constitution and whenever apportionment or districting of the legislature is required by the provisions of this constitution. Members of the commission shall hold office until each apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointment.

Officers, rules of procedure, compensation, appropriation.

The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman, shall make its own rules of procedure, and shall receive compensation provided by law. The legislature shall appropriate funds to enable the commission to carry out its activities.

Call to convene; apportionment; public hearings.

Within 30 days after the adoption of this constitution, and after the official total population count of each federal decennial census of the state and its political subdivisions is available, the secretary of state shall issue a call convening the commission not less than 30 nor more than 45 days thereafter. The commission shall complete its work within 180 days after all necessary census information is available. The commission shall proceed to district and apportion the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of a majority of the members of the commission. The commission shall hold public hearings as may be provided by law.

Apportionment plan, publication; record of proceedings.

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

Disagreement of commission; submission of plans to supreme court.

If a majority of the commission cannot agree on a plan, each member of the commission, individually or jointly with other members, may submit a proposed plan to the supreme court. The supreme court shall determine which plan complies most accurately with the constitutional requirements and shall direct that it be adopted by the commission and published as provided in this section.

Jurisdiction of supreme court on elector's application.

Upon the application of any elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the commission to perform their duties, may review any final plan adopted by the commission, and shall remand such plan to the commission for further action if it fails to comply with the requirements of this constitution.

Legislators; qualifications, removal from district.

Sec. 7. Each senator and representative must be a citizen of the United States, at least 21 years of age, and an elector of the district he represents. The removal of his domicile from the district shall be deemed a vacation of the office.

No person who has been convicted of subversion or who has within the preceding 20 years been convicted of a felony involving a breach of public trust shall be eligible for either house of the legislature.

Ineligibility of government officers and employees.

Sec. 8. No person holding any office, employment or position under the United States or this state or a political subdivision thereof, except notaries public and members of the armed forces reserve, may be a member of either house of the legislature.

Civil appointments, ineligibility of legislators.

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

Legislators and state officers, government contracts, conflict of interest.

Sec. 10. No member of the legislature nor any state officer shall be interested directly or indirectly in any contract with the state or any political subdivision thereof which shall cause a substantial conflict of interest. The legislature shall further implement this provision by appropriate legislation.

Legislators, privileges.

Sec. 11. Senators and representatives shall be privileged from civil arrest and civil process during sessions of the legislature and for five days next before the commencement and after the termination thereof. They shall not be questioned in any other place for any speech in either house.

Compensation and expenses of legislators.

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Legislature; time of convening, sine die adjournment, measures carried over.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

Quorums; powers of less than quorum.

Sec. 14. A majority of the members elected to and serving in each house shall constitute a quorum to do business. A smaller number in each house may adjourn from day to day, and may compel the attendance of absent members in the manner and with penalties as each house may prescribe.

Legislative council.

Sec. 15. There shall be a bi-partisan legislative council consisting of legislators appointed in the manner prescribed by law. The legislature shall appropriate funds for the council's operations and provide for its staff which shall maintain bill drafting, research and other services for the members of the legislature. The council shall periodically examine and recommend to the legislature revision of the various laws of the state.

Legislature; officers, rules of procedure, expulsion of members.

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Committees; record of votes, public inspection, notice of hearings.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Journal of proceedings; record of votes, dissents.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Record of votes on elections and advice and consent.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

Open meetings.

Sec. 20. The doors of each house shall be open unless the public security otherwise requires.

Adjournments, limitations.

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Bills.

Sec. 22. All legislation shall be by bill and may originate in either house.

Style of laws.

Sec. 23. The style of the laws shall be: The People of the State of Michigan enact.

Laws; object, title, amendments changing purpose.

Sec. 24. No law shall embrace more than one object, which shall be expressed in its title. No bill shall be altered or amended on its passage through either house

so as to change its original purpose as determined by its total content and not alone by its title.

Revision and amendment of laws; title references, publication of entire sections.

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Bills; printing, possession, reading, vote on passage.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Laws, effective date.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

Bills, subjects at special session.

Sec. 28. When the legislature is convened on extraordinary occasions in special session no bill shall be passed on any subjects other than those expressly stated in the governor's proclamation or submitted by special message.

Local or special acts.

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Appropriations; local or private purposes.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

General appropriation bills; priority, statement of estimated revenue.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

Laws imposing taxes.

Sec. 32. Every law which imposes, continues or revives a tax shall distinctly state the tax.

Bills passed; approval by governor or veto, reconsideration by legislature.

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Bills, referendum.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

Publication and distribution of laws and judicial decisions.

Sec. 35. All laws enacted at any session of the legislature shall be published in book form within 60 days after final adjournment of the session, and shall be distributed in the manner provided by law. The prompt publication of judicial decisions shall be provided by law. All laws and judicial decisions shall be free for publication by any person.

General revision of laws; compilation of laws.

Sec. 36. No general revision of the laws shall be made. The legislature may provide for a compilation of the laws in force, arranged without alteration, under appropriate heads and titles.

Administrative rules, suspension by legislative committee.

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

Vacancies in office.

Sec. 38. The legislature may provide by law the cases in which any office shall be vacant and the manner of filling vacancies where no provision is made in this constitution.

Continuity of government in emergencies.

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state

caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

Liquor control commission; liquor tax; local option.

Sec. 40. The legislature may by law establish a liquor control commission which, subject to statutory limitations, shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof. The legislature may provide for an excise tax on such sales. Neither the legislature nor the commission may authorize the manufacture or sale of alcoholic beverages in any county in which a majority of the electors voting thereon shall prohibit the same.

Lotteries.

Sec. 41. The legislature shall not authorize any lottery nor permit the sale of lottery tickets.

Ports and port districts; incorporation, internal.

Sec. 42. The legislature may provide for the incorporation of ports and port districts, and confer power and authority upon them to engage in work of internal improvements in connection therewith.

Bank and trust company laws.

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

Trial by jury in civil cases.

Sec. 44. The legislature may authorize a trial by a jury of less than 12 jurors in civil cases.

Indeterminate sentences.

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

Death penalty.

Sec. 46. No law shall be enacted providing for the penalty of death.

Chaplains in state institutions.

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Disputes concerning public employees.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

Hours and conditions of employment.

Sec. 49. The legislature may enact laws relative to the hours and conditions of employment.

Atomic and new forms of energy.

Sec. 50. The legislature may provide safety measures and regulate the use of atomic energy and forms of energy developed in the future, having in view the general welfare of the people of this state.

Public health and general welfare.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

Natural resources; conservation, pollution, impairment, destruction.

Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people. The legislature shall provide for the protection of the air, water and other natural resources of the state from pollution, impairment and destruction.

Auditor general; appointment, qualifications, term, removal, post audits.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

Independent investigation; reports.

The auditor general upon direction by the legislature may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. He shall report annually to the legislature and to the governor and at such other times as he deems necessary or as required by the legislature. He shall be assigned no duties other than those specified in this section.

Governing boards of institutions of higher education.

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

Staff members, civil service.

The auditor general, his deputy and one other member of his staff shall be exempt from classified civil service. All other members of his staff shall have classified civil service status.

ARTICLE V

Executive Branch

Executive power.

Sec. 1. The executive power is vested in the governor.

Principal departments.

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

Organization of executive branch; assignment of functions; submission to legislature.

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full regular session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Single heads of departments; appointment, term.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

Boards heading departments; appointment, term, removal.

When a board or commission is at the head of a principal department, unless elected or appointed as otherwise provided in this constitution, the members thereof shall be appointed by the governor by and with the advice and consent of the senate. The term of office and procedure for removal of such members shall be as prescribed in this constitution or by law.

Boards and commissions, maximum term.

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Commissions or agencies for less than 2 years.

Sec. 4. Temporary commissions or agencies for special purposes with a life

of no more than two years may be established by law and need not be allocated within a principal department.

Examining or licensing board members, qualifications.

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

Advice and consent to appointments.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Vacancies in office; filling, senatorial disapproval of appointees.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Principal departments, supervision of governor; information from state officers.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

Court enforcement of constitutional or legislative mandate.

The governor may initiate court proceedings in the name of the state to enforce compliance with any constitutional or legislative mandate, or to restrain violations of any constitutional or legislative power, duty or right by any officer, department or agency of the state or any of its political subdivisions. This authority shall not be construed to authorize court proceedings against the legislature.

Principal departments, location.

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintendent them in person and perform duties prescribed by law.

Removal or suspension of officers; grounds, report.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Provisional appointments to fill vacancies due to suspension.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a

legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Military powers.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Elections to fill vacancies in legislature.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Reprieves, commutations and pardons.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Extra sessions of legislature.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Legislature other than at seat of government.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Messages and recommendations to legislature.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Budget; general and deficiency appropriation bills.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

Disapproval of items in appropriation bills.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Reductions in expenditures.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce

expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

State elective executive officers; term, election.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

Lieutenant governor, secretary of state and attorney general, nomination.

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly for the candidates for governor and lieutenant governor nominated by the same party.

Secretary of state and attorney general, vacancies in office.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Governor and lieutenant governor, qualifications.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

State elective executive officers, compensation.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Executive residence.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Lieutenant governor; president of senate, tie vote, duties.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Succession to governorship.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

Death of governor-elect.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

Duration of successor's term as governor.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

Determination of inability.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Salary of successor.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

State highway commission.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

Members; number, term.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year, as provided by law.

State highway director.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Civil rights commission; members, term, duties, appropriation.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

Rules and regulations; hearings, orders.

The commission shall have power, in accordance with the provisions of this constitution and of general laws governing administrative agencies, to promulgate rules and regulations for its own procedures, to hold hearings, administer oaths, through court authorization to require the attendance of witnesses and the submission of records, to take testimony, and to issue appropriate orders.

The commission shall have other powers provided by law to carry out its purposes. Nothing contained in this section shall be construed to diminish the right of any party to direct and immediate legal or equitable remedies in the courts of this state.

Appeals.

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

ARTICLE VI

Judicial Branch

Judicial power in court of justice; divisions.

Sec. 1. The judical power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Justices of the supreme court; number, term, nomination, election.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

Chief justice; court administrator; other assistants.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice as provided by rules of the court. He shall perform duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

General superintending control over courts; writs; appellate jurisdiction.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Court rules; distinctions between law and equity; master in chancery.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Decisions and dissents; writing, contents.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When

a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Staff; budget; salaries of justices; fees.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of moneys appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Court of appeals; election of judges, divisions.

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

Judges of court of appeals, terms.

Sec. 9. Judges of the court of appeals shall hold office for a term of six years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Jurisdiction, practice and procedure of court of appeals.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Circuit courts; judicial circuits, sessions, number of judges.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Circuit judges; nomination, election, term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a term of six years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Circuit courts; jurisdiction, writs, supervisory control over inferior courts.

Sec. 13. The circuit court shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

County clerks; duties, vacancies; prosecuting attorneys, vacancies.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Probate courts; districts, jurisdiction.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplmental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Probate judges; nomination, election, terms.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Judicial salaries and fees.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or the amount of judicial activity of his office.

Salaries; uniformity, changes during term.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a circuit, and of the probate judges within a county or district, shall be uniform, and may be increased but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Circuit judges, additional salary from county.

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Courts of record; seal, qualifications of judges.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Removal of domicile of judge.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

Ineligibility for other office.

Sec. 21. Any justice or judge of a court of record shall be ineligible to be nominated for or elected to an elective office other than a judicial office during the period of his service and for one year thereafter.

Candidacy of incumbent judges, affidavits.

Sec. 22. Any elected judge of the court of appeals, circuit court or probate court may become a candidate in the primary election for the office of which he is the incumbent by filing an affidavit of candidacy in the form and manner prescribed by law.

Judges of courts of record, filling of vacancies.

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

Judges; designation of elected incumbents on ballot.

Sec. 24. There shall be printed upon the ballot under the name of each elected incumbent justice or judge who is a candidate for nomination or election to the same office the designation of that office.

Removal of judges from office.

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

Circuit court commissioners and justices of the peace, abolition; courts of limited jurisdiction.

Sec. 26. The offices of circuit court commissioner and justice of the peace are abolished at the expiration of five years from the date this constitution becomes effective or may within this period be abolished by law. Their jurisidiction, compensation and powers within this period shall be as provided by law. Within this five-year period, the legislature shall establish a court or courts of limited jurisdiction with powers and jurisdiction defined by law. The location of such court or courts, and the qualifications, tenure, method of election and salary of the judges of such court or courts, and by what governmental units the judges shall be paid, shall be provided by law, subject to the limitations contained in this article.

Present statutory courts.

Statutory courts in existence at the time this constitution becomes effective shall retain their powers and jurisdiction, except as provided by law, until they are abolished by law.

Power of appointment to public office.

Sec. 27. The supreme court, the court of appeals, the circuit court, or any justices or judges thereof, shall not exercise any power of appointment to public office except as provided in this constitution.

Administrative action, review.

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

Property tax valuation or allocation; review.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

Conservators of the peace.

Sec. 29. Justices of the supreme court, judges of the court of appeals, circuit judges and other judges as provided by law shall be conservators of the peace within their respective jurisdictions.

ARTICLE VII

Local Government

Counties; corporate character, powers and immunities.

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

County charters.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict the powers of charter counties to borrow money and contract debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to adopt resolutions and ordinances relating to its concerns.

Election of charter commissions.

The board of supervisors by a majority vote of its members may, and upon petition of five percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

Approval of electors.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Reduction of size of county.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

County officers; terms, combination.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Offices at county seat.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sheriffs; security, responsibility for acts, ineligibility for other office.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

Boards of supervisors; members.

Sec. 7. A board of supervisors shall be established in each organized county consisting of one member from each organized township and such representation from cities as provided by law.

Legislative, administrative, and other powers and duties of boards.

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Compensation of county officers.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Removal of county seat.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Indebtedness, limitation.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Navigable streams, permission to bridge or dam.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Consolidation of counties, approval by electors.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

Organization and consolidation of townships.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

County intervention in public utility service and rate proceedings.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Highways, bridges, culverts, airports; road tax limitation.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Townships; corporate character, powers and immunities.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Township officers; term, powers and duties.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Township public utility franchises.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Townships, dissolution; villages as cities.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Cities and villages; incorporation, taxes, indebtedness.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Charters, resolutions, ordinances; enumeration of powers.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

Parks, boulevards, cemeteries, hospitals.

Sec. 23. Any city or village may acquire, own, establish and maintain, within or without its corporate limits, parks, boulevards, cemeteries, hospitals and all works which involve the public health or safety.

Public service facilities.

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Services outside corporate limits.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Public utilities; acquisition, franchises, sale.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Cities and villages, loan of credit.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Metropolitan governments and authorities.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or

authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Governmental functions and powers; joint administration, costs and credits, transfers.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Officers, eligibility.

Any other provision of this constitution nothwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

Highways, streets, alleys, public places; control, use by public utilities.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, township, city or village; or to transact local business therein without first obtaining a franchise from the township, city or village. Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Franchises and licenses, duration.

Sec. 30. No franchise or license shall be granted by any township, city or village for a period longer than 30 years.

Vacation or alteration of roads, streets, alleys, public places.

Sec. 31. The legislature shall not vacate or alter any road, street, alley or public place under the jurisdiction of any county, township, city or village.

Budgets, public hearing.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt such budgets only after a public hearing in a manner prescribed by law.

Removal of elected officers.

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Construction of constitution and law concerning counties, townships, cities, villages.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

ARTICLE VIII

EDUCATION

Encouragement of education.

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Free public elementary and secondary schools; discrimination.

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin.

State board of education; duties.

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

Superintendent of public instruction; appointment, powers, duties.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

State board of education; members, nomination, election, term.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

Boards of institutions of higher education, limitation.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Higher education institutions; appropriations, accounting, public sessions of boards.

Sec. 4. The legislature shall appropriate moneys to maintain the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan Uni-

versity, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names such institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

University of Michigan, Michigan State University, Wayne State University; controlling boards.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Other institutions of higher education, controlling boards.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Community and junior colleges; state board, members, terms, vacancies.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and request for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Services for handicapped persons.

Sec. 8. Institutions, programs and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally or otherwise seriously handicapped shall always be fostered and supported.

Public libraries, fines.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, townships and cities for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

ARTICLE IX

Finance and Taxation

Taxes for state expenses.

Sec. 1. The legislature shall impose taxes sufficient with other resources to pay the expenses of state government.

Power of taxation, relinquishment.

Sec. 2. The power of taxation shall never be surrendered, suspended or contracted away.

Property taxation; uniformity, assessments, classes.

Sec. 3. The legislature shall provide for the uniform general ad valorem taxation of real and tangible personal property not exempt by law. The legislature shall provide for the determination of true cash value of such property; the proportion of true cash value at which such property shall be uniformly assessed, which shall not, after Jannary 1, 1966, exceed 50 percent; and for a system of equalization of assessments. The legislature may provide for alternative means of taxation of designated real and tangible personal property in lieu of general ad valorem taxation. Every tax other than the general ad valorem property tax shall be uniform upon the class or classes on which it operates.

Exemption of religious or educational nonprofit organizations.

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Assessment of property of public service businesses.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature, and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

15 mill limitation.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

Nonapplication of limitation.

The foregoing limitations shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidences of indebtedness or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be imposed without limitation as to rate or amount; or to taxes imposed for any other purpose by any city, village, charter county, charter township, charter authority or other authority, the tax limitations of which are provided by charter or by general law.

School districts in 2 or more counties.

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

Income tax.

Sec. 7. No income tax graduated as to rate or base shall be imposed by the state or any of its subdivisions.

Sales tax.

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

Motor vehicle fuel and other taxes to be used for highway purposes.

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed directly or indirectly on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sales tax, distribution to local governments.

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

State school aid fund, source and distribution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees'

retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

Evidence of state indebtedness.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Public bodies, borrowing power.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

State borrowing; short term.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Long term borrowing by state.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of two-thirds of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

State loans to school districts.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

Amount of loans.

If the minimum amount which would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as finally equalized, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall lend the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall lend to it an amount sufficient to enable the school district to make the payment.

Qualified bonds.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section

27 or Section 28 of Article X of the Constitution of 1908 or pursuant to this section.

Repayment of loans, tax levy by school district.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Bonds, state loans, repayment.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

Power to tax unlimited.

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for the repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

Rights and obligations to remain unimpaired.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Payments from state treasury.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

State credit.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

Investment of public funds.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Stock of corporation, interest of state.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

State depositories.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in

any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Accounting for public moneys.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may provide by law for interim accounting.

Accounting and auditing for local governments.

The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.

Examination and adjustment of claims against state.

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

Financial records; statement of revenues and expenditures.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as provided by law.

Public pension plans and retirement systems, obligation.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits, annual funding.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be used for financing unfunded accrued liabilities.

ARTICLE X

Property

Disabilities of coverture abolished; separate property of wife; dower.

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

Eminent domain; compensation.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law. Compensation shall be determined in proceedings in a court of record.

Homestead and personalty, exemption from process.

Sec. 3. A homestead in the amount of not less than $3,500 and personal property of every resident of this state in the amount of not less than $750, as

defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded from exemption by law.

Escheats.

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

State lands.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease or other disposition of such lands.

State land reserve.

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

Resident aliens, property rights.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

ARTICLE XI

Public Officers and Employment

Oath of public officers.

Sec. 1. All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of ..... according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Terms of office of state and county officers.

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

Extra compensation.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Custodian of public moneys; eligibility to office, accounting.

Sec. 4. No person having custody or control of public moneys shall be a member of the legislature, or be eligible to any office of trust or profit under

this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

State civil service; exemptions.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

Civil service commission; members, terms.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

State personnel director.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

Commission's duties as to classification, compensation, examinations, personnel transactions and conditions of employment.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

Certification of appointments or promotions; discrimination.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases or decreases in compensation.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established

by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

Creation or abolition of positions.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition or creation of a position shall have a right of appeal to the commission through established grievance procedures.

Compensation for unclassified service, recommendations.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

Appropriations; return of unexpended moneys.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

Reports and audits of expenditures.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

Payments for personal service; judicial remedies.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Merit systems for local governments.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Impeachment of civil officers.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

Prosecution by 3 members of house of representatives.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Trial by senate; oath, presiding officer.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

Conviction; vote, penalty.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

Judicial officers, functions after impeachment.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

ARTICLE XII

Amendment and Revision

Amendment by legislative proposal and vote of electors.

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Amendment by petition and vote of electors.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Submission of proposal; publication.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

Ballot, statement of purpose.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

Approval of proposal, effective date; conflicting amendments.

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

General revision of constitution; submission of question, convention delegates and meeting.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

Convention officers, rules, membership, personnel, publications.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

Submission of proposed constitution or amendment.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Recommendations by attorney general for changes in laws.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Existing public and private rights, continuance.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Officers, continuance in office.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

Terms of office.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Officers elected in spring of 1963, term.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

State elective executive officers and senators, 2 and 4 year terms.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Supreme court, reduction to 7 justices.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Judges of probate, eligibility for re-election.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Judicial officers, staggered terms.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

State board of education; first election, terms.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

Abolition of existing state board of education.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Boards controlling higher education institutions and state board of public community and junior colleges, terms.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Michigan State University trustees and Wayne State University governors, terms.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Initial allocation of departments by law or executive order.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

State contracts, continuance.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

Korean service bonus bonds, appropriation.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

Mackinac Bridge Authority; refunding of bonds, transfer of functions to highway department.

Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Submission of constitution; time, notice.

Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Voters, ballots, effective date.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.

Stephen S. Nisbet,
President.

Fred I. Chase,
Secretary.

Effective date: January 1, 1964.

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CONSTITUTION

OF

VIRGINIA

CONSTITUTION

of

VIRGINIA

The Virginia Constitution of 1971 was approved by vote of the people on November 3, 1970, to become effective on July 1, 1971. The 1971 Constitution is the fifth complete revision of Viginia's fundamental law since 1776—other complete revisions having been effective in 1830, 1851, 1870, and 1902.[1]

The revision which led to the adoption of the Constitution of 1971 began with the creation of the Commission on Constitutional Revision, authorized by joint resolution at the General Assembly's 1968 session and appointed by Governor Mills E. Godwin, Jr. The Commission, chaired by former Governor Albertis S. Harrison, Jr., reported to the Governor and the General Assembly in January 1969.

The revisions took the form of amendments—one of two ways to change the Virginia Constitution (the other way being by the calling of a constitutional convention).[2] The General Assembly, at a special session called in 1969, approved amendments which, with two exceptions,[3] were

approved for a second time at the Assembly's regular session in 1970 and then laid before the people at the general election in November 1970. There were four proposals on the November ballot—a general question containing the main body of the revised Constitution and three separate questions (one repealing the constitutional prohibition on lotteries, and two dealing with borrowing by the Commonwealth). All four questions passed.[4]

In addition to the body of Virginia constitutional law, including judicial decisions, already in being, several documents will be helpful to a fuller understanding of the Constitution of 1971. They include

(1) The Report of the Commission on Constitutional Revision (January 1, 1969). Many of the Commission's recommendations were adopted by the General Assembly; to that extent, the commentary in the Commission's report will be relevant.

(2) The debates in the 1969 special session of the General Assembly. It was at the 1969 session that the revisions were debated in detail. The transcripts of those debates are being prepared for publication.

(3) A set of section-by-section commentaries on the revised Constitution is in preparation.

A. E. Dick Howard

January 1, 1971

Mr. Howard was the Executive Director of the Commission on Constitutional Revision.

FOOTNOTES

1. This does not count the Constitution of 1864, which was drafted under wartime conditions and whose legal status was never certain. This count also does not include the revision of 1928, in which fewer than half of the sections of the Constitution of 1902 were changed at all.

2. See Article XII, infra.

3. One amendment dealt with State aid to handicapped children in private schools, the other with the boundaries of the capital city; both failed of passage at the 1970 session.

4. Proposal No. 1, generally revising the Constitution, passed by a vote of 576,776 to 226,219. Proposal No. 2, repealing Section 60 of the existing Constitution, passed by a vote of 491,124 to 290,168. Proposal No. 3, which appears as Article X, Section 9(b) of this Constitution, infra, was approved by a vote of 504,315 to 261,220. Proposal No. 4, which appears as Article X, Section 9(c) of this Constitution, infra, was approved by a vote of 484,274 to 265,784.

(These figures do not include a small number of ballots whose validity depended on the outcome of pending federal court litigation involving residence requirements.)

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CONSTITUTION OF VIRGINIA

ARTICLE I

Bill of Rights

A DECLARATION OF RIGHTS made by the good people of Virginia in the exercise of their sovereign powers, which rights do pertain to them and their posterity, as the basis and foundation of government.

Section 1. Equality and rights of men.

That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

Section 2. People the source of power.

That all power is vested in, and consequently derived from, the people, that magistrates are their trustees and servants, and at all times amenable to them.

Section 3. Government instituted for common benefit.

That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest

degree of happiness and safety, and is most effectually secured against the danger of maladministration; and, whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.

Section 4. No exclusive emoluments or privileges; offices not to be hereditary.

That no man, or set of men, is entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services, which not being descendible, neither ought the offices of magistrate, legislator, or judge to be hereditary.

Section 5. Separation of legislative, executive, and judicial departments; periodical elections.

That the legislative, executive, and judicial departments of the Commonwealth should be separate and distinct; and that the members thereof may be restrained from oppression, by feeling and participating the burthens of the peole, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by regular elections, in which all or any part of the former members shall be again eligible, or ineligible, as the laws may direct.

Section 6. Free elections; consent of governed.

That all elections ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed, or deprived of, or damaged in, their property for public uses, without their own consent, or that of their representatives duly elected, or bound by any law to which they have not, in like manner, assented for the public good.

Section 7. Laws should not be suspended.

That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

Section 8. Criminal prosecutinns.

That in criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, and to call for evidence in his favor, and he shall enjoy the right to a speedy and public trial, by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty. He shall not be deprived of life or liberty, except by the law of the land or the judgment of his peers, nor be compelled in any criminal proceeding to give evidence against himself, nor be put twice in jeopardy for the same offense.

Laws may be enacted providing for the trial of offenses not felonious by a court not of record without a jury, preserving the right of the accused to an appeal to and a trial by jury in some court of record having original criminal jurisdiction. Laws may also provide for juries consisting of less than twelve, but not less than five, for the trial of offenses not felonious, and may classify such cases, and prescribe the number of jurors for each class.

In criminal cases, the accused may plead guilty. If the accused plead not guilty, he may, with his consent and the concurrence of the Commonwealth's attorney and of the court entered of record, be tried by a smaller number of jurors, or waive a jury. In case of such waiver or plea of guilty, the court shall try the case.

The provisions of this section shall be self-executing.

Section 9. Prohibition of excessive bail and fines, cruel and unusual punishment, suspension of habeas corpus, bills of attainder, and ex post facto laws.

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted; that the privilege of the writ of habeas corpus shall not be suspended unless when, in cases of invasion or rebellion, the public safety may require; and that the General Assembly shall not pass any bill of attainder, or any ex post facto law.

Section 10. General warrants of search or seizure prohibited.

That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offense is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

Section 11. Due process of law; obligation of contracts; taking of private property; prohibited discrimination; jury trial in civil cases.

That no person shall be deprived of his life, liberty, or property without due process of law; that the General Assembly shall not pass any law impairing the obligation of contracts, nor any law whereby private property shall be taken or damaged for public uses, without just compensation, the term "public uses" to be defined by the General Assembly; and that the right to be free from any governmental discrimination upon the basis of religious conviction, race, color, sex, or national origin shall not be abridged, except that the mere separation of the sexes shall not be considered discrimination.

That in controversies respecting property, and in suits between man and man, trial by jury is preferable to any other, and ought to be held

sacred. The General Assembly may limit the number of jurors for civil cases in courts of record to not less than five.

Section 12. Freedom of speech and of the press; right peaceably to assemble, and to petition.

That the freedoms of speech and of the press are among the great bulwarks of liberty, and can never be restrained except by despotic governments; that any citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; that the General Assembly shall not pass any law abridging the freedom of speech or of the press, nor the right of the people peaceably to assemble, and to petition the government for the redress of grievances.

Section 13. Militia; standing armies; military subordinate to civil power.

That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state; therefore, the right of the people to keep and bear arms shall not be infringed; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

Section 14. Government should be uniform.

That the people have a right to uniform government; and, therefore, that no government separate from, or independent of, the government of Virginia, ought to be erected or established within the limits thereof.

Section 15. Qualities necessary to preservation of free government.

That no free government, nor the blessings of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance,

frugality, and virtue; by frequent recurrence to fundamental principles; and by the recognition by all citizens that they have duties as well as rights, and that such rights cannot be enjoyed save in a society where law is respected and due process is observed.

That free government rests, as does all progress, upon the broadest possible diffusion of knowledge and that the Commonwealth should avail itself of those talents which nature has sown so liberally among its people by assuring the opportunity for their fullest development by an effective system of education throughout the Commonwealth.

Section 16. Free exercise of religion; no establishment of religion.

That religion or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other. No man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but all men shall be free to profess and by argument to maintain their opinions in matters of religion, and the same shall in nowise diminish, enlarge, or affect their civil capacities. And the General Assembly shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this Commonwealth, to levy on themselves or others, any tax for the erection or repair of any house of public worship, or for the support of any church or ministry; but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

Section 17. Construction of the Bill of Rights.

The rights enumerated in this Bill of Rights shall not be construed to limit other rights of the people not therein expressed.

ARTICLE II

Franchise and Officers

Section 1. Qualifications of voters.

In elections by the people, the qualifications of voters shall be as follows: Each voter shall be a citizen of the United States, shall be twenty-one years of age, shall fulfill the residence requirements set forth in this section, and shall be registered to vote pursuant to this article. No person who has been convicted of a felony shall be qualified to vote unless his civil rights have been restored by the Governor or other appropriate authority. As prescribed by law, no person adjudicated to be mentally incompetent shall be qualified to vote until his competency has been reestablished.

The residence requirements shall be that each voter shall have been a resident of the Commonwealth for six months and of the precinct where he votes for thirty days. A person who is qualified to vote except for having moved his residence from one precinct to another fewer than thirty days prior to an election may in any such election vote in the precinct from which he has moved. Residence, for all purposes of qualification to vote, requires both domicile and a place of abode. The General Assembly may provide, in elections for President and Vice-President of the United States, a residence requirement of less than six months and alternatives to registration for new residents of the Commonwealth.

Any person who will be qualified with respect to age to vote at the next general election shall be permitted to register in advance and also to vote in any intervening primary or special election.

Section 2. Registration of voters.

The General Assembly shall provide by law for the registration of all persons otherwise qualified to vote who have met the residence requirements contained in this article, and shall ensure that the opportunity to register is made available. Registrations accomplished prior to the effective date of this section shall be effective hereunder. The registration records shall not be closed to new or transferred registrations more than thirty days before the election in which they are to be used.

Application to register shall require the applicant to provide under oath the following information on a standard form: full name, including the maiden name of a woman, if married; age; date and place of birth; marital status; occupation; social security number, if any; whether the applicant is presently a United States citizen; address and place of abode and length of residence in the Commonwealth and in the precinct; place and time of any previous registrations to vote; and whether the applicant has ever been adjudicated to be mentally incompetent or convicted of a felony, and if so, under what circumstances the applicant's right to vote has been restored. Except as otherwise provided in this Constitution, all applications to register shall be completed in person before the registrar and by or at the direction of the applicant and signed by the applicant, unless physically disabled. No fee shall be charged to the applicant incident to an application to register.

Nothing in this article shall preclude the General Assembly from requiring as a prerequisite to registration to vote the ability of the applicant to read and complete in his own handwriting the application to register.

Section 3. Method of voting.

In elections by the people, the following safeguards shall be maintained: Voting shall be by ballot or by machines for receiving, recording, and counting votes cast; no ballot or list of candidates upon any voting machine shall bear any distinguishing mark or symbol, other than words identifying political party affiliation; and their form, including the offices to be filled and the listing of candidates or nominees, shall be as uniform as is practicable throughout the Commonwealth or smaller governmental unit in which the election is held.

In elections other than primary elections, provision shall be made whereby votes may be cast for persons other than the listed candidates or nominees. Secrecy in casting votes shall be maintained, except as provision may be made for assistance to handicapped voters, but the ballot box or voting machine shall be kept in public view and shall not be opened, nor the ballots canvassed nor the votes counted, in secret. Votes may be cast only in person, except as otherwise provided in this article.

Section 4. Powers and duties of General Assembly.

The General Assembly shall establish a uniform system for permanent registration of voters pursuant to this Constitution, including provision for appeal by any person denied registration, correction of illegal or fraudulent registrations, proper transfer of all registered voters, and cancellation of registrations in other jurisdictions of persons who apply to register to vote in the Commonwealth. The General Assembly shall provide for maintenance of accurate and current registration records and shall provide for cancellation of the registration of any voter who has not voted at least once during four consecutive calendar years.

The General Assembly may provide for registration and voting by absentee application and ballot for members of the armed forces of the United States in active service, and their spouses, who are otherwise qualified to vote, and may provide for voting by absentee ballot for other qualified voters.

The General Assembly shall provide for the nomination of candidates, shall regulate the time, place, manner, conduct, and administration of primary, general, and special elections, and shall have power to make any other law regulating elections not inconsistent with this Constitution

Section 5. Qualifications to hold elective office.

The only qualification to hold any office of the Commonwealth or of its governmental units, elective by the people, shall be that a person must have been a resident of the Commonwealth for one year and be qualified to vote for that office, except as otherwise provided in this Constitution, and except that:

(a) the General Assembly may impose more restrictive geographical residence requirements for election of its members, and may permit other governing bodies in the Commonwealth to impose more restrictive geographical residence requirements for election to such governing bodies, but no such requirement shall impair equal representation of the persons entitled to vote;

(b) the General Assembly may provide that residence in a local governmental unit is not required for election to designated elective offices in local governments, other than membership in the local governing body; and

(c) nothing in this Constitution shall limit the power of the General Assembly to prevent conflict of interests, dual officeholding, or other incompatible activities by elective or appointive officials of the Commonwealth or of any political subdivision.

Section 6. Apportionment.

Members of the House of Representatives of the United States and members of the Senate and of the House of Delegates of the General Assembly shall be elected from electoral districts established by the General Assembly. Every electoral district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. The General Assembly shall reapportion the Commonwealth into electoral districts in accordance with this section in the year 1971 and every ten years thereafter.

Any such reapportionment law shall take effect immediately and not be subject to the limitations contained in Article IV, Section 13, of this Constitution.

Section 7. Oath or affirmation.

All officers elected or appointed under or pursuant to this Constitution shall, before they enter on the performance of their public duties, severally take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as ....., according to the best of my ability (so help me God)."

Section 8. Electoral boards; registrars and officers of election.

There shall be in each county and city an electoral board composed of three members, selected as provided by law. In the appointment of the electoral boards, representation, as far as practicable, shall be given to each of the two political parties which, at the general election

next preceding their appointment, cast the highest and the next highest number of votes. The present members of such boards shall continue in office until the expiration of their respective terms; thereafter their successors shall be appointed for the term of three years. Any vacancy occurring in any board shall be filled by the same authority for the unexpired term.

Each electoral board shall appoint the officers and registrars of election for its county or city. In appointing such officers of election, representation, as far as practicable, shall be given to each of the two political parties which, at the general election next preceding their appointment, cast the highest and next highest number of votes.

No person, nor the deputy of any person, who is employed by or holds any office or post of profit or emolument, or who holds any elective office of profit or trust, under the governments of the United States, the Commonwealth, or any county, city, or town, shall be appointed a member of the electoral board or registrar or officer of election.

Section 9. Privileges of voters during election.

No voter, during the time of holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger, nor to attend any court as suitor, juror, or witness; nor shall any such voter be subject to arrest under any civil process during his attendance at election or in going to or returning therefrom.

ARTICLE III

Division of Powers

Section 1. Departments to be distinct.

The legislative, executive, and judicial departments shall be separate and distinct, so that

none exercise the powers properly belonging to the others, nor any person exercise the power of more than one of them at the same time; provided, however, administrative agencies may be created by the General Assembly with such authority and duties as the General Assembly may prescribe. Provision may be made for judicial review of any finding, order, or judgment of such administrative agencies.

ARTICLE IV

Legislature

Section 1. Legislative power.

The legislative power of the Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and House of Delegates.

Section 2. Senate.

The Senate shall consist of not more than forty and not less than thirty-three members, who shall be elected quadrennially by the voters of the several senatorial districts on the Tuesday succeeding the first Monday in November.

Section 3. House of Delegates.

The House of Delegates shall consist of not more than one hundred and not less than ninety members, who shall be elected biennially by the voters of the several house districts on the Tuesday succeeding the first Monday in November.

Section 4. Qualifications of Senators and Delegates.

Any person may be elected to the Senate who, at the time of the election, is twenty-one years of age, is a resident of the senatorial district which he is seeking to represent, and is qualified to vote for members of the General Assembly. Any person may be elected to the House of Delegates who, at the time of the election, is twenty-one years of age, is a resident of the house

district which he is seeking to represent, and is qualified to vote for members of the General Assembly. A Senator or Delegate who moves his residence from the district for which he is elected shall thereby vacate his office.

No person holding a salaried office under the government of the Commonwealth, and no judge of any court, attorney for the Commonwealth, sheriff, treasurer, assessor of taxes, commissioner of the revenue, collector of taxes, or clerk of any court shall be a member of either house of the General Assembly during his continuance in office; and his qualification as a member shall vacate any such office held by him. No person holding any office or post of profit or emolument under the United States government, or who is in the employment of such government, shall be eligible to either house.

Section 5. Compensation; election to civil office of profit.

The members of the General Assembly shall receive such salary and allowances as may be prescribed by law, but no increase in salary shall take effect for a given member until after the end of the term for which he was elected. No member during the term for which he shall have been elected shall be elected by the General Assembly to any civil office of profit in the Commonwealth.

Section 6. Legislative sessions.

The General Assembly shall meet once each year on the second Wednesday in January. No regular session of the General Assembly convened in an even-numbered year shall continue longer than sixty days; no regular session of the General Assembly convened in an odd-numbered year shall continue longer than thirty days; but with the concurrence of two-thirds of the members elected to each house, any regular session may be extended for a period not exceeding thirty

days. Neither house shall, without the consent of the other, adjourn to another place, nor for more than three days.

The Governor may convene a special session of the General Assembly when, in his opinion, the interest of the Commonwealth may require and shall convene a special session upon the application of two-thirds of the members elected to each house.

Section 7. Organization of General Assembly.

The House of Delegates shall choose its own Speaker; and, in the absence of the Lieutenant Governor, or when he shall exercise the office of Governor, the Senate shall choose from its own body a president pro tempore. Each house shall select its officers and settle its rules of procedure. The houses may jointly provide for legislative continuity between sessions occurring during the term for which members of the House of Delegates are elected. Each house may direct writs of election for supplying vacancies which may occur during a session of the General Assembly. If vacancies exist while the General Assembly is not in session, such writs may be issued by the Governor under such regulations as may be prescribed by law. Each house shall judge of the election, qualification, and returns of its members, may punish them for disorderly behavior, and, with the concurrence of two-thirds of its elected membership, may expel a member.

Section 8. Quorum.

A majority of the members elected to each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and shall have power to compel the attendance of members in such manner and under such penalty as each house may prescribe. A smaller number, not less than two-fifths of the elected membership of each house, may meet and may, notwithstanding any other provision of

this Constitution, enact legislation if the Governor by proclamation declares that a quorum of the General Assembly cannot be convened because of enemy attack upon the soil of Virginia. Such legislation shall remain effective only until thirty days after a quorum of the General Assembly can be convened.

Section 9. Immunity of legislators.

Members of the General Assembly shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during the sessions of their respective houses; and for any speech or debate in either house shall not be questioned in any other place. They shall not be subject to arrest under any civil process during the sessions of the General Assembly, or during the fifteen days before the beginning or after the ending of any session.

Section 10. Journal of proceedings.

Each house shall keep a journal of its proceedings, which shall be published from time to time. The vote of each member voting in each house on any question shall, at the desire of one-fifth of those present, be recorded in the journal. On the final vote on any bill, and on the vote in any election or impeachment conducted in the General Assembly or on the expulsion of a member, the name of each member voting in each house and how he voted shall be recorded in the journal.

Section 11. Enactment of laws.

No law shall be enacted except by bill. A bill may originate in either house, may be approved or rejected by the other, or may be amended by either, with the concurrence of the other.

No bill shall become a law unless, prior to its passage:

(a) it has been referred to a committee of each house, considered by such committee in session, and reported;

(b) it has been printed by the house in which it originated prior to its passage therein;

(c) it has been read by its title, or its title has been printed in a daily calendar, on three different calendar days in each house; and

(d) upon its final passage a vote has been taken thereon in each house, the name of each member voting for and against recorded in the journal, and a majority of those voting in each house, which majority shall include at least two-fifths of the members elected to that house, recorded in the affirmative.

Only in the manner required in subparagraph (d) of this section shall an amendment to a bill by one house be concurred in by the other, or a conference report be adopted by either house, or either house discharge a committee from the consideration of a bill and consider the same as if reported. The printing and reading, or either, required in subparagraphs (b) and (c) of this section, may be dispensed with in a bill to codify the laws of the Commonwealth, and in the case of an emergency by a vote of four-fifths of the members voting in each house, the name of each member voting and how he voted to be recorded in the journal.

No bill which creates or establishes a new office, or which creates, continues, or revives a debt or charge, or which makes, continues, or revives any appropriation of public or trust money or property, or which releases, discharges, or commutes any claim or demand of the Commonwealth, or which imposes, continues, or revives a tax, shall be passed except by the affirmative vote of a majority of all the members elected to each house, the name of each member voting and how he voted to be recorded in the journal.

Every law imposing, continuing, or reviving a tax shall specifically state such tax. However, any law by which taxes are imposed may define or specify the subject and provisions of such tax by reference to any provision of the laws of the United States as those laws may be or become effective at any time or from time to time, and may prescribe exceptions or modifications to any such provision.

The presiding officer of each house shall, not later than twenty days after adjournment, sign every bill that has been passed by both houses and duly enrolled. The fact of signing shall be recorded in the journal.

Section 12. Form of laws.

No law shall embrace more than one object, which shall be expressed in its title. Nor shall any law be revived or amended with reference to its title, but the act revived or the section amended shall be reenacted and published at length.

Section 13. Effective date of laws.

All laws, except a general appropriation law, hall take effect on the first day of the fourth nonth following the month of adjournment of he session of the General Assembly at which it has been enacted, unless a subsequent date is specified or unless in the case of an emergency (which emergency shall be expressed in the body of the bill) the General Assembly shall specify an earlier date by a vote of four-fifths of the members voting in each house, the name of each member voting and how he voted to be recorded in the journal

Section 14. Powers of General Assembly; limitations.

The authority of the General Assembly shall extend to all subjects of legislation not herein forbidden or restricted; and a specific grant of

authority in this Constitution upon a subject shall not work a restriction of its authority upon the same or any other subject. The omission in this Constitution of specific grants of authority heretofore conferred shall not be construed to deprive the General Assembly of such authority, or to indicate a change of policy in reference thereto, unless such purpose plainly appear.

The General Assembly shall confer on the courts power to grant divorces, change the names of persons, and direct the sales of estates belonging to infants and other persons under legal disabilities, and shall not, by special legislation, grant relief in these or other cases of which the courts or other tribunals may have jurisdiction.

The General Assembly may regulate the exercise by courts of the right to punish for contempt.

The General Assembly shall not enact any local, special, or private law in the following cases:

(1) For the punishment of crime.

(2) Providing a change of venue in civil or criminal cases.

(3) Regulating the practice in, or the jurisdiction of, or changing the rules of evidence in any judicial proceedings or inquiry before the courts or other tribunals, or providing or changing the methods of collecting debts or enforcing judgments or prescribing the effect of judicial sales of real estate.

(4) Changing or locating county seats.

(5) For the assessment and collection of taxes, except as to animals which the General Assembly may deem dangerous to the farming interests.

(6) Extending the time for the assessment or collection of taxes.

(7) Exempting property from taxation.

(8) Remitting, releasing, postponing, or diminishing any obligation or liability of any person, corporation, or association to the Commonwealth or to any political subdivision thereof.

(9) Refunding money lawfully paid into the treasury of the Commonwealth or the treasury of any political subdivision thereof.

(10) Granting from the treasury of the Commonwealth, or granting or authorizing to be granted from the treasury of any political subvision thereof, any extra compensation to any public officer, servant, agent, or contractor.

(11) For registering voters, conducting elections, or designating the places of voting.

(12) Regulating labor, trade, mining, or manufacturing, or the rate of interest on money.

(13) Granting any pension.

(14) Creating, increasing, or decreasing, or authorizing to be created, increased, or decreased, the salaries, fees, percentages, or allowances of public officers during the term for which they are elected or appointed.

(15) Declaring streams navigable, or authorizing the construction of booms or dams therein, or the removal of obstructions therefrom.

(16) Affecting or regulating fencing or the boundaries of land, or the running at large of stock.

(17) Creating private corporations, or amending, renewing, or extending the charters thereof.

(18) Granting to any private corporation, association, or individual any special or exclusive right, privilege, or immunity.

(19) Naming or changing the name of any private corporation or association.

(20) Remitting the forfeiture of the charter of any private corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this

Constitution and the laws passed in pursuance thereof.

The General Assembly shall not grant a charter of incorporation to any church or religious denomination, but may secure the title to church property to an extent to be limited by law.

Section 15. General laws.

In all cases enumerated in the preceding section, and in every other case which, in its judgment, may be provided for by general laws, the General Assembly shall enact general laws. Any general law shall be subject to amendment or repeal, but the amendment or partial repeal thereof shall not operate directly or indirectly to enact, and shall not have the effect of enactment of, a special, private, or local law.

No general or special law shall surrender or suspend the right and power of the Commonwealth, or any political subdivision thereof, to tax corporations and corporate property, except as authorized by Article X. No private corporation, association, or individual shall be specially exempted from the operation of any general law, nor shall a general law's operation be suspended for the benefit of any private corporation, association, or individual.

Section 16. Appropriations to religious or charitable bodies.

The General Assembly shall not make any appropriation of public funds, personal property, or real estate to any church or sectarian society, or any association or institution of any kind whatever which is entirely or partly, directly or indirectly, controlled by any church or sectarian society. Nor shall the General Assembly make any like appropriation to any charitable institution which is not owned or controlled by the Commonwealth; the General Assembly may, however, make appropriations to nonsectarian institutions for the reform of youthful criminals

and may also authorize counties, cities, or towns to make such appropriations to any charitable institution or association.

Section 17. Impeachment.

The Governor, Lieutenant Governor, Attorney General, judges, members of the State Corporation Commission, and all officers appointed by the Governor or elected by the General Assembly, offending against the Commonwealth by malfeasance in office, corruption, neglect of duty, or other high crime or misdemeanor may be impeached by the House of Delegates and prosecuted before the Senate, which shall have the sole power to try impeachments. When sitting for that purpose, the Senators shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senators present. Judgment in case of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the Commonwealth; but the person convicted shall nevertheless be subject to indictment, trial, judgment, and punishment according to law. The Senate may sit during the recess of the General Assembly for the trial of impeachments.

Section 18. Auditor of Public Accounts.

An Auditor of Public Accounts shall be elected by the joint vote of the two houses of the General Assembly for the term of four years. His powers and duties shall be prescribed by law.

ARTICLE V

Executive

Section 1. Executive power; Governor's term of office.

The chief executive power of the Commonwealth shall be vested in a Governor. He shall

hold office for a term commencing upon his inauguration on the Saturday after the second Wednesday in January, next succeeding his election, and ending in the fourth year thereafter immediately upon the inauguration of his successor. He shall be ineligible to the same office for the term next succeeding that for which he was elected, and to any other office during his term of service.

Section 2. Election of Governor.

The Governor shall be elected by the qualified voters of the Commonwealth at the time and place of choosing members of the General Assembly. Returns of the election shall be transmitted, under seal, by the proper officers, to the State Board of Elections, or such other officer or agency as may be designated by law, which shall cause the returns to be opened and the votes to be counted in the manner prescribed by law. The person having the highest number of votes shall be declared elected; but if two or more shall have the highest and an equal number of votes, one of them shall be chosen Governor by a majority of the total membership of the General Assembly. Contested elections for Governor shall be decided by a like vote. The mode of proceeding in such cases shall be prescribed by law.

Section 3. Qualifications of Governor.

No person except a citizen of the United States shall be eligible to the office of Governor; nor shall any person be eligible to that office unless he shall have attained the age of thirty years and have been a resident of the Commonwealth and a registered voter in the Commonwealth for five years next preceding his election.

Section 4. Place of residence and compensation of Governor.

The Governor shall reside at the seat of government. He shall receive for his services a compensation to be prescribed by law, which shall neither be increased nor diminished during the period for which he shall have been elected. While in office he shall receive no other emolument from this or any other government.

Section 5. Legislative responsibilities of Governor.

The Governor shall communicate to the General Assembly, at every regular session, the condition of the Commonwealth, recommend to its consideration such measures as he may deem expedient, and convene the General Assembly on application of two-thirds of the members elected to each house thereof, or when, in his opinion, the interest of the Commonwealth may require.

Section 6. Presentation of bills; veto powers of Governor.

Every bill which shall have passed the Senate and House of Delegates shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but, if not, he may return it with his objections to the house in which it originated, which shall enter the objections at large on its journal and proceed to reconsider the same. If, after such consideration, two-thirds of the members present, which two-thirds shall include a majority of the members elected to that house, shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, which two-thirds shall include a majority of the members elected to that house, it shall become a law, notwithstanding the objections.

The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or

items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills returned to the General Assembly without his approval.

If the Governor approve the general purpose of any bill but disapprove any part or parts thereof, he may return it, with recommendations for its amendment, to the house in which it originated, whereupon the same proceedings shall be had in both houses upon the bill and his recommendations in relation to its amendment as is above provided in relation to a bill which he shall have returned without his approval, and with his objections thereto; provided that, if after such reconsideration both houses, by a vote of a majority of the members present in each, shall agree to amend the bill in accordance with his recommendation in relation thereto, or either house by such vote shall fail or refuse to so amend it, then and in either case the bill shall be again sent to him, and he may act upon it as if it were then before bim for the first time. In all cases above set forth, the names of the members voting for and against the bill or item or items of an appropriation bill, shall be entered on the journal of each house.

If any bill shall not be returned by the Governor within seven days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by final adjournment, prevent such return; in which case it shall be a law if approved by the Governor, in the manner and to the extent above provided, within thirty days after adjournment, but not otherwise.

Section 7. Executive and administrative powers.

The Governor shall take care that the laws be faithfully executed.

The Governor shall be commander-in-chief of the armed forces of the Commonwealth and shall

have power to embody such forces to repel invasion, suppress insurrection, and enforce the execution of the laws.

The Governor shall conduct, either in person or in such manner as shall be prescribed by law, all intercourse with other and foreign states.

The Governor shall have power to fill vacancies in all offices of the Commonwealth for the filling of which the Constitution and laws make no other provision. If such office be one filled by the election of the people, the appointee shall hold office until the next general election, and thereafter until his successor qualifies, according to law. The General Assembly shall, if it is in session, fill vacancies in all offices which are filled by election by that body.

Gubernatorial appointments to fill vacancies in offices which are filled by election by the General Assembly or by appointment by the Governor which is subject to confirmation by the Senate or the General Assembly, made during the recess of the General Assembly, shall expire at the end of thirty days after the commencement of the next session of the General Assembly.

Section 8. Information from administrative officers.

The Governor may require information in writing, under oath, from any officer of any executive or administrative department, office, or agency, or any public institution upon any subject relating to their respective departments, offices, agencies, or public institutions; and he may inspect at any time their official books, accounts, and vouchers, and ascertain the conditions of the public funds in their charge, and in that connection may employ accountants. He may require the opinion in writing of the Attorney General upon any question of law affecting the official duties of the Governor.

Section 9. Administrative organization.

The functions, powers, and duties of the administrative departments and divisions and of the agencies of the Commonwealth within the legislative and executive branches may be prescribed by law.

Section 10. Appointment and removal of administrative officers.

Except as may be otherwise provided in this Constitution, the Governor shall appoint each officer serving as the head of an administrative department or division of the executive branch of the government, subject to such confirmation as the General Assembly may prescribe. Each officer appointed by the Governor pursuant to this section shall have such professional qualifications as may be prescribed by law and shall serve at the pleasure of the Governor.

Section 11. Effect of refusal of General Assembly to confirm an appointment by the Governor.

No person appointed to any office by the Governor, whose appointment is subject to confirmation by the General Assembly, under the provisions of this Constitution or any statute, shall enter upon, or continue in, office after the General Assembly shall have refused to confirm his appointment, nor shall such person be eligible for reappointment during the recess of the General Assembly to fill the vacancy caused by such refusal to confirm.

Section 12. Executive clemency.

The Governor shall have power to remit fines and penalties under such rules and regulations as may be prescribed by law; to grant reprieves and pardons after conviction except when the prosecution has been carried on by the House of Delegates; to remove political disabilities consequent upon conviction for offenses committed

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prior or subsequent to the adoption of this Constitution; and to commute capital punishment.

He shall communicate to the General Assembly, at each regular session, particulars of every case of fine or penalty remitted, of reprieve or pardon granted, and of punishment commuted, with his reasons for remitting, granting, or commuting the same.

Section 13. Lieutenant Governor; election and qualifications.

A Lieutenant Governor shall be elected at the same time and for the same term as the Governor, and his qualifications and the manner and ascertainment of his election, in all respects, shall be the same, except that there shall be no limit on the terms of the Lieutenant Governor.

Section 14. Duties and compensation of Lieutenant Governor.

The Lieutenant Governor shall be President of the Senate but shall have no vote except in case of an equal division. He shall receive for his services a compensation to be prescribed by law, which shall not be increased nor diminished during the period for which he shall have been elected.

Section 15. Attorney General.

An Attorney General shall be elected by the qualified voters of the Commonwealth at the same time and for the same term as the Governor; and the fact of his election shall be ascertained in the same manner. No person shall be eligible for election or appointment to the office of Attorney General unless he is a citizen of the United States, has attained the age of thirty years, and has the qualifications required for a judge of a court of record. He shall perform such duties and receive such compensation as may be prescribed by law, which compensation shall neither be increased nor diminished during the period

for which he shall have been elected. There shall be no limit on the terms of the Attorney General.

Section 16. Succession to the office of Governor.

When the Governor-elect is disqualified, resigns, or dies following his election but prior to taking office, the Lieutenant Governor-elect shall succeed to the office of Governor for the full term. When the Governor-elect fails to assume office for any other reason, the Lieutenant Governor-elect shall serve as Acting Governor.

Whenever the Governor transmits to the President pro tempore of the Senate and the Speaker of the House of Delegates his written declaration that he is unable to discharge the powers and duties of his office and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as Acting Governor.

Whenever the Attorney General, the President pro tempore of the Senate, and the Speaker of the House of Delegates, or a majority of the total membership of the General Assembly, transmit to the Clerk of the Senate and the Clerk of the House of Delegates their written declaration that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall immediately assume the powers and duties of the office as Acting Governor.

Thereafter, when the Governor transmits to the Clerk of the Senate and the Clerk of the House of Delegates his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Attorney General, the President pro tempore of the Senate, and the Speaker of the House of Delegates, or a majority of the total membership of the General Assembly, transmit within four days to the Clerk of the Senate and the Clerk of the House of Delegates their written declaration that the Governor is unable to discharge the powers and duties of his office. There

upon the General Assembly shall decide the issue, convening within forty-eight hours for that purpose if not already in session. If within twenty-one days after receipt of the latter declaration or, if the General Assembly is not in session, within twenty-one days after the General Assembly is required to convene, the General Assembly determines by three-fourths vote of the elected membership of each house of the General Assembly that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall become Governor; otherwise, the Governor shall resume the powers and duties of his office.

In the case of the removal of the Governor from office or in the case of his disqualification, death, or resignation, the Lieutenant Governor shall become Governor.

If a vacancy exists in the office of Lieutenant Governor when the Lieutenant Governor is to succeed to the office of Governor or to serve as Acting Governor, the Attorney General, if he is eligible to serve as Governor, shall succeed to the office of Governor for the unexpired term or serve as Acting Governor. If the Attorney General is ineligible to serve as Governor, the Speaker of the House of Delegates, if he is eligible to serve as Governor, shall succeed to the office of Governor for the unexpired term or serve as Acting Governor. If a vacancy exists in the office of the Speaker of the House of Delegates or if the Speaker of the House of Delegates is ineligible to serve as Governor, the House of Delegates shall convene and fill the vacancy.

Section 17. Commissions and grants.

Commissions and grants shall run in the name of the Commonwealth of Virginia, and be attested by the Governor, with the seal of the Commonwealth annexed.

ARTICLE VI

Judiciary

Section 1. Judicial power; jurisdiction.

The judicial power of the Commonwealth shall be vested in a Supreme Court and in such other courts of original or appellate jurisdiction subordinate to the Supreme Court as the General Assembly may from time to time establish. Trial courts of general jurisdiction, appellate courts, and such other courts as shall be so designated by the General Assembly shall be known as courts of record.

The Supreme Court shall, by virtue of this Constitution, have original jurisdiction in cases of habeas corpus, mandamus, and prohibition and in matters of judicial censure, retirement, and removal under Section 10 of this article. All other jurisdiction of the Supreme Court shall be appellate. Subject to such reasonable rules as may be prescribed as to the course of appeals and other procedural matters, the Supreme Court shall, by virtue of this Constitution, have appellate jurisdiction in cases involving the constitutionality of a law under this Constitution or the Constitution of the United States and in cases involving the life or liberty of any person.

No appeal shall be allowed to the Commonwealth in a case involving the life or liberty of a person, except that an appeal by the Commonwealth may be allowed in any case involving the violation of a law relating to the State revenue.

Subject to the foregoing limitations, the General Assembly shall have the power to determine the original and appellate jurisdiction of the courts of the Commonwealth.

Section 2. Supreme Court.

The Supreme Court shall consist of seven justices. The General Assembly may, if three-fifths

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Section 6. Opinions and judgments of the Supreme Court.

When a judgment or decree is reversed, modified, or affirmed by the Supreme Court, or when original cases are resolved on their merits, the reasons for the Court's action shall be stated in writing and preserved with the record of the case. The Court may, but need not, remand a case for a new trial. In any civil case, it may enter final judgment, except that the award in a suit or action for unliquidated damages shall not be increased or diminished.

Section 7. Selection and qualification of judges.

The justices of the Supreme Court shall be chosen by the vote of a majority of the members elected to each house of the General Assembly for terms of twelve years. The judges of all other courts of record shall be chosen by the vote of a majority of the members elected to each house of the General Assembly for terms of eight years. During any vacancy which may exist while the General Assembly is not in session, the Governor may appoint a successor to serve until thirty days after the commencement of the next session of the General Assembly. Upon election by the General Assembly, a new justice or judge shall begin service of a full term.

All justices of the Supreme Court and all judges of other courts of record shall be residents of the Commonwealth and shall, at least five years prior to their appointment or election, have been admitted to the bar of the Commonwealth. Each judge of a trial court of record shall during his term of office reside within the jurisdiction of one of the courts to which he was appointed or elected; provided, however, that where the boundary of such jurisdiction is changed by annexation or otherwise, no judge thereof shall thereby become disqualified from office or ineligible

for reelection if, except for such annexation or change, he would otherwise be qualified.

Section 8. Additional judicial personnel.

The General Assembly may provide for additional judicial personnel, such as judges of courts not of record and magistrates or justices of the peace, and may prescribe their jurisdiction and provide the manner in which they shall be selected and the terms for which they shall serve.

The General Assembly may confer upon the clerks of the several courts having probate jurisdiction, jurisdiction of the probate of wills and of the appointment and qualification of guardians, personal representatives, curators, appraisers, and committees of persons adjudged insane or convicted of felony, and in the matter of the substitution of trustees.

Section 9. Commission; compensation; retirement.

All justices of the Supreme Court and all judges of other courts of record shall be commissioned by the Governor. They shall receive such salaries and allowances as shall be prescribed by the General Assembly, which shall be apportioned between the Commonwealth and its cities and counties in the manner provided by law. Unless expressly prohibited or limited by the General Assembly, cities and counties shall be permitted to supplement from local funds the salaries of any judges serving within their geographical boundaries. The salary of any justice or judge shall not be diminished during his term of office.

The General Assembly may enact such laws as it deems necessary for the retirement of justices and judges, with such conditions, compensation, and duties as it may prescribe. The General Assembly may also provide for the mandatory retirement of justices and judges after they reach a prescribed age, beyond which they shall not serve,

regardless of the term to which elected or appointed.

Section 10. Disabled and unfit judges.

The General Assembly shall create a Judicial Inquiry and Review Commission consisting of members of the judiciary, the bar, and the public and vested with the power to investigate charges which would be the basis for retirement, censure, or removal of a judge. The Commission shall be authorized to conduct hearings and to subpoena witnesses and documents. Proceedings before the Commission shall be confidential.

If the Commission finds the charges to be well-founded, it may file a formal complaint before the Supreme Court.

Upon the filing of a complaint, the Supreme Court shall conduct a hearing in open court and, upon a finding of disability which is or is likely to be permanent and which seriously interferes with the performance by the judge of his duties, shall retire the judge from office. A judge retired under this authority shall be considered for the purpose of retirement benefits to have retired voluntarily.

If the Supreme Court after the hearing on the complaint finds that the judge has engaged in misconduct while in office, or that he has persistently failed to perform the duties of his office, or that he has engaged in conduct prejudicial to the proper administration of justice, it shall censure him or shall remove him from office. A judge removed under this authority shall not be entitled to retirement benefits, but only to the return of contributions made by him, together with any income accrued thereon.

This section shall apply to justices of the Supreme Court, to judges of other courts of record, and to members of the State Corporation Commission. The General Assembly also may provide

by general law for the retirement, censure, or removal of judges of any court not of record, or other personnel exercising judicial functions.

Section 11. Incompatible activities.

No justice or judge of a court of record shall, during his continuance in office, engage in the practice of law within or without the Commonwealth, or seek or accept any nonjudicial elective office, or hold any other office of public trust, or engage in any other incompatible activity.

Section 12. Limitation; judicial appointment.

No judge shall be granted the power to make any appointment of any local governmental official elected by the voters except to fill a vacancy in office pending the next ensuing general election or, if the vacancy occurs within one hundred twenty days prior to such election, pending the second ensuing general election.

ARTICLE VII

Local Government

Section 1. Definitions.

As used in this Article (1) "county" means any existing county or any such unit hereafter created; (2) "city" means an independent incorporated community which has within defined boundaries a population of 5,000 or more and which has become a city as provided by law; (3) "town" means any existing town or an incorporated community within one or more counties which has within defined boundaries a population of 1,000 or more and which has become a town as provided by law; (4) "regional government" means a unit of general government organized as provided by law within defined boundaries, as determined by the General Assembly; (5) "general law" means a law which on its effective date applies alike to all counties,

cities, towns, or regional governments or to a reasonable classification thereof; and (6) "special act" means a law applicable to a county, city, town, or regional government and for enactment shall require an affirmative vote of two-thirds of the members elected to each house of the General Assembly.

The General Assembly may increase by general law the population minima provided in this article for cities and towns. Any county which on the effective date of this Constitution had adopted an optional form of government pursuant to a valid statute that does not meet the general law requirements of this article may continue its form of government without regard to such general law requirements until it adopts a form of government provided in conformity with this article. In this article, whenever the General Assembly is authorized or required to act by general law, no special act for that purpose shall be valid unless this article so provides.

Section 2. Organization and government.

The General Assembly shall provide by general law for the organization, government, powers, change of boundaries, consolidation, and dissolution of counties, cities, towns, and regional governments. The General Assembly may also provide by general law optional plans of government for counties, cities, or towns to be effective if approved by a majority vote of the qualified voters voting on any such plan in any such county, city or town.

The General Assembly may also provide by special act for the organization, government, and powers of any county, city, town, or regional government, including such powers of legislation, taxation, and assessment as the General Assembly may determine, but no such special act shall be adopted which provides for the extension or contraction of boundaries of any county, city, or town.

Every law providing for the organization of a regional government shall, in addition to any other requirements imposed by the General Assembly, require the approval of the organization of the regional government by a majority vote of the qualified voters voting thereon in each county and city which is to participate in the regional government and of the voters voting thereon in a part of a county or city where only the part is to participate.

Section 3. Powers.

The General Assembly may provide by general law or special act that any county, city, town, or other unit of government may exercise any of its powers or perform any of its functions and may participate in the financing thereof jointly or in cooperation with the Commonwealth or any other unit of government within or without the Commonwealth. The General Assembly may provide by general law or special act for transfer to or sharing with a regional government of any services, functions, and related facilities of any county, city, town, or other unit of government within the boundaries of such regional government.

Section 4. County and city officers.

There shall be elected by the qualified voters of each county and city a treasurer, a sheriff, an attorney for the Commonwealth, a clerk, who shall be clerk of the court in the office of which deeds are recorded, and a commissioner of revenue. The duties and compensation of such officers shall be prescribed by general law or special act.

Regular elections for such officers shall be held on Tuesday after the first Monday in November. Such officers shall take office on the first day of the following January unless otherwise provided by law and shall hold their respective offices for the term of four years, except that the clerk shall hold office for eight years.

The General Assembly may provide for county or city officers or methods of their selection, including permission for two or more units of government to share the officers required by this section, without regard to the provisions of this section, either (1) by general law to become effective in any county or city when submitted to the qualified voters thereof in an election held for such purpose and approved by a majority of those voting thereon in each such county or city, or (2) by special act upon the request, made after such an election, of each county or city affected. No such law shall reduce the term of any person holding an office at the time the election is held. A county or city not required to have or to elect such officers prior to the effective date of this Constitution shall not be so required by this section.

The General Assembly may provide by general law or special act for additional officers and for the terms of their office.

Section 5. County, city, and town governing bodies.

The governing body of each county, city, or town shall be elected by the qualified voters of such county, city, or town in the manner provided by law.

If the members are elected by district, the district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. When members are so elected by district, the governing body of any county, city, or town may, in a manner provided by law, increase or diminish the number, and change the boundaries, of districts, and shall in 1971 and every ten years thereafter, and also whenever the boundaries of such districts are changed, reapportion the representation in the governing body among the districts in a manner provided by law. Whenever the governing body of any such unit shall fail to perform the duties so prescribed in the manner herein directed, a suit shall lie on behalf of any citizen thereof to compel performance by the governing body.

Unless otherwise provided by law, the governing body of each city or town shall be elected on the second Tuesday in June and take office on the first day of the following September. Unless otherwise provided by law, the governing body of each county shall be elected on the Tuesday after the first Monday in November and take office on the first day of the following January.

Section 6. Multiple offices.

Unless two or more units exercise functions jointly as authorized in Sections 3 and 4, no person shall at the same time hold more than one office mentioned in this article. No member of a governing body shall be eligible, during the term of office for which he was elected or appointed, to hold any office filled by the governing body by election or appointment, except that a member of a governing body may be named a member of such other boards, commissions, and bodies as may be permitted by general law.

Section 7. Procedures.

No ordinance or resolution appropriating money exceeding the sum of five hundred dollars, imposing taxes, or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a majority of all members elected to the governing body. In case of the veto of such an ordinance or resolution, where the power of veto exists, it shall require for passage thereafter a recorded affirmative vote of two-thirds of all members elected to the governing body.

On final vote on any ordinance or resolution, the name of each member voting and how he voted shall be recorded.

Section 8. Consent to use public property.

No street railway, gas, water, steam or electric heating, electric light or power, cold storage, compressed air, viaduct, conduit, telephone, or bridge company, nor any corporation, association, person, or partnership engaged in these or like enterprises shall be permitted to use the streets, alleys, or public grounds of a city or town without the previous consent of the corporate authorities of such city or town.

Section 9. Sale of property and granting of franchises by cities and towns.

No rights of a city or town in and to its waterfront, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges, or other public places, or its gas, water, or electric works shall be sold except by an ordinance or resolution passed by a recorded affirmative vote of three-fourths of all members elected to the governing body.

No franchise, lease, or right of any kind to use any such public property or any other public property or easement of any description in a manner not permitted to the general public shall be granted for a longer period than forty years, except for air rights together with easements for columns of support, which may be granted for a period not exceeding sixty years. Before granting any such franchise or privilege for a term in excess of five years, except for a trunk railway, the city or town shall, after due advertisement, publicly receive bids therefor. Such grant, and any contract in pursuance thereof, may provide that upon the termination of the grant, the plant as well as the property, if any, of the grantee in the streets, avenues, and other public places shall thereupon, without compensation to the grantee, or upon the payment of a fair valuation therefor, become the property of the said city or town; but the grantee shall be entitled to no payment by reason of the value

of the franchise. Any such plant or property acquired by a city or town may be sold or leased or, unless prohibited by general law, maintained, controlled, and operated by such city or town. Every such grant shall specify the mode of determining any valuation therein provided for and shall make adequate provisions by way of forfeiture of the grant, or otherwise, to secure efficiency of public service at reasonable rates and the maintenance of the property in good order throughout the term of the grant.

Section 10. Debt.

(a) No city or town shall issue any bonds or other interest-bearing obligations which, including existing indebtedness, shall at any time exceed eighteen per centum of the assessed valuation of the real estate in the city or town subject to taxation, as shown by the last preceding assessment for taxes. In determining the limitation for a city or town there shall not be included the following classes of indebtedness:

(1) Certificates of indebtedness, revenue bonds, or other obligations issued in anticipation of the collection of the revenues of such city or town for the then current year; provided that such certificates, bonds, or other obligations mature within one year from the date of their issue, be not past due, and do not exceed the revenue for such year.

(2) Bonds pledging the full faith and credit of such city or town authorized by an ordinance enacted in accordance with Section 7, and approved by the affirmative vote of the qualified voters of the city or town voting upon the question of their issuance, for a supply of water or other specific undertaking from which the city or town may derive a revenue; but from and after a period to be determined by the governing body not exceeding five years from the date of such election, whenever and for so long as such undertaking fails to produce sufficient revenue to pay for cost of operation and administration (including interest on bonds issued therefor), the cost of insurance against loss by injury to persons or property, and an annual amount to be placed into a sinking fund sufficient to pay the bonds at or before maturity, all outstanding bonds issued on account of such undertaking shall be included in determining such limitation.

(3) Bonds of a city or town the principal and interest on which are payable exclusively from the revenues and receipts of a water system or other specific undertaking or undertakings from which the city or town may derive a revenue or secured, solely or together with such revenues, by contributions of other units of government.

(4) Contract obligations of a city or town to provide payments over a period of more than one year to any publicly owned or controlled regional project, if the project has been authorized by an interstate compact or if the General Assembly by general law or special act has authorized an exclusion for such project purposes.

(b) No debt shall be contracted by or on behalf of any county or district thereof or by or on behalf of any regional government or district thereof except by authority conferred by the General Assembly by general law. The General Assembly shall not authorize any such debt except the classes described in paragraphs (1) and (3) of subsection (a), refunding bonds, and bonds issued, with the consent of the school board and the governing body of the county, by or on behalf of a county or district thereof for capital projects for school purposes and sold to the Literary Fund, the Virginia Supplemental Retirement System, or other State agency prescribed by law, unless in the general law authorizing the same provision be made for submission to the qualified voters of the county or district thereof or the region or district thereof, as the case may be,

for approval or rejection by a majority vote of the qualified voters voting in an election on the question of contracting such debt. Such approval shall be a prerequisite to contracting such debt.

Any county may, upon approval by the affirmative vote of the qualified voters of the county voting in an election on the question, elect to be treated as a city for the purposes of issuing its bonds under this section. If a county so elects, it shall thereafter be subject to all of the benefits and limitations of this section applicable to cities, but in determining the limitation for a county there shall be included, unless otherwise excluded under this section, indebtedness of any town or district in that county empowered to levy taxes on real estate.

ARTICLE VIII

Education

Section 1. Public schools of high quality to be maintained.

The General Assembly shall provide for a system of free public elementary and secondary schools for all children of school age throughout the Commonwealth, and shall seek to ensure that an educational program of high quality is established and continually maintained.

Section 2. Standards of quality; State and local support of public schools.

Standards of quality for the several school divisions shall be determined and prescribed from time to time by the Board of Education, subject to revision only by the General Assembly.

The General Assembly shall determine the manner in which funds are to be provided for the cost of maintaining an educational program meeting the prescribed standards of quality, and shall provide for the apportionment of the cost of such

program between the Commonwealth and the local units of government comprising such school divisions. Each unit of local government shall provide its portion of such cost by local taxes or from other available funds.

Section 3. Compulsory education; free textbooks.

The General Assembly shall provide for the compulsory elementary and secondary education of every eligible child of appropriate age, such eligibility and age to be determined by law. It shall ensure that textbooks are provided at no cost to each child attending public school whose parent or guardian is financially unable to furnish them.

Section 4. Board of Education.

The general supervision of the public school system shall be vested in a Board of Education of nine members, to be appointed by the Governor, subject to confirmation by the General Assembly. Each appointment shall be for four years, except that those to fill vacancies shall be for the unexpired terms. Terms shall be staggered, so that no more than three regular appointments shall be made in the same year.

Section 5. Powers and duties of the Board of Education.

The powers and duties of the Board of Education shall be as follows:

(a) Subject to such criteria and conditions as the General Assembly may prescribe, the Board shall divide the Commonwealth into school divisions of such geographical area and school-age population as will promote the realization of the prescribed standards of quality, and shall periodically review the adequacy of existing school divisions for this purpose.

(b) It shall make annual reports to the Governor and the General Assembly concerning the condition and needs of public education in the

Commonwealth, and shall in such report identify any school divisions which have failed to establish and maintain schools meeting the prescribed standards of quality.

(c) It shall certify to the school board of each division a list of qualified persons for the office of division superintendent of schools, one of whom shall be selected to fill the post by the division school board. In the event a division school board fails to select a division superintendent within the time prescribed by law, the Board of Education shall appoint him.

(d) It shall have authority to approve textbooks and instructional aids and materials for use in courses in the public schools of the Commonwealth.

(e) Subject to the ultimate authority of the General Assembly, the Board shall have primary responsibility and authority for effectuating the educational policy set forth in this Article, and it shall have such other powers and duties as may be prescribed by law.

Section 6. Superintendent of Public Instruction.

A Superintendent of Public Instruction, who shall be an experienced educator, shall be appointed by the Governor, subject to confirmation by the General Assembly, for a term coincident with that of the Governor making the appointment, but the General Assembly may alter by statute this method of selection and term of office. The powers and duties of the Superintendent shall be prescribed by law.

Section 7. School boards.

The supervision of schools in each school division shall be vested in a school board, to be composed of members selected in the manner, for the term, possessing the qualifications, and to the number provided by law.

Section 8. The Literary Fund.

The General Assembly shall set apart as a permanent and perpetual school fund the present Literary Fund; the proceeds of all public lands donated by Congress for free public school purposes, of all escheated property, of all waste and unappropriated lands, of all property accruing to the Commonwealth by forfeiture, of all fines collected for offenses committed against the Commonwealth, and of the annual interest on the Literary Fund; and such other sums as the General Assembly may appropriate. But so long as the principal of the Fund totals as much as eighty million dollars, the General Assembly may set aside all or any part of additional moneys received into its principal for public school purposes, including the teachers retirement fund.

The Literary Fund shall be held and administered by the Board of Education in such manner as may be provided by law. The General Assembly may authorize the Board to borrow other funds against assets of the Literary Fund as collateral, such borrowing not to involve the full faith and credit of the Commonwealth.

The principal of the Fund shall include assets of the Fund in other funds or authorities which are repayable to the Fund.

Section 9. Other educational institutions.

The General Assembly may provide for the establishment, maintenance, and operation of any educational institutions which are desirable for the intellectual, cultural, and occupational development of the people of this Commonwealth. The governance of such institutions, and the status and powers of their boards of visitors or other governing bodies, shall be as provided by law.

Section 10. State appropriations prohibited to schools or institutions of learning not owned or exclusively controlled by the State or some subdivision thereof; exceptions to rule.

No appropriation of public funds shall be made to any school or institution of learning not owned or exclusively controlled by the State or some political subdivision thereof; provided, first, that the General Assembly may, and the governing bodies of the several counties, cities and towns may, subject to such limitations as may be imposed by the General Assembly, appropriate funds for educational purposes which may be expended in furtherance of elementary, secondary, collegiate or graduate education of Virginia students in public and nonsectarian private schools and institutions of learning, in addition to those owned or exclusively controlled by the State or any such county, city or town; second, that the General Assembly may appropriate funds to an agency, or to a school or institution of learning owned or controlled by an agency, created and established by two or more states under a joint agreement to which this State is a party for the purpose of providing educational facilities for the citizens of the several states joining in such agreement; third, that counties, cities, towns, and districts may make appropriations to nonsectarian schools of manual, industrial, or technical training, and also to any school or institution of learning owned or exclusively controlled by such county, city, town, or school district.

Section 11. Aid to nonpublic higher education.

The General Assembly may provide for loans to students attending nonprofit institutions of higher education in the Commonwealth whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education. The General Assembly may also provide for a State agency or authority to assist in borrowing money for construction of educational facilities at such institutions, provided that the Commonwealth shall not be liable for any debt created by such borrowing.

ARTICLE IX

Corporations

Section 1. State Corporation Commission.

There shall be a permanent commission which shall be known as the State Corporation Commission and which shall consist of three members. The General Assembly may, by majority vote of the members elected to each house, increase the size of the Commission to no more than five members. Members of the Commission shall be elected by the General Assembly and shall serve for regular terms of six years. At least one member of the Commission shall have the qualifications prescribed for judges of courts of record, and any Commissioner may be impeached or removed in the manner provided for the impeachment or removal of judges of courts of record. The General Assembly may enact such laws as it deems necessary for the retirement of the Commissioner, with such conditions, compensation, and duties as it may prescribe. The General Assembly may also provide for the mandatory retirement of Commissioners after they reach a prescribed age, beyond which they shall not serve, regardless of the term to which elected or appointed. Whenever a vacancy in the Commission shall occur or exist when the General Assembly is in session, the General Assembly shall elect as successor for such unexpired term. If the General Assembly is not in session, the Governor shall forthwith appoint pro tempore a qualified person to fill the vacancy for a term ending thirty days after the commencement of the next regular session of the General Assembly, and the General Assembly shall elect a successor for such unexpired term.

The Commission shall annually elect one of its members chairman. Its subordinates and employees, and the manner of their appointment and removal, shall be as provided by law, except that its heads of divisions and assistant heads of division shall be appointed and subject to removal by the Commission.

Section 2. Powers and duties of the Commission.

Subject to the provisions of this Constitution and to such requirements as may be prescribed by law, the Commission shall be the department of government through which shall be issued all charters, and amendments or extensions thereof, of domestic corporations and all licenses of foreign corporations to do business in this Commonwealth.

Except as may be otherwise prescribed by this Constitution or by law, the Commission shall be charged with the duty of administering the laws made in pursuance of this Constitution for the regulation and control of corporations doing business in this Commonwealth. Subject to such criteria and other requirements as may be prescribed by law, the Commission shall have the power and be charged with the duty of regulating the rates, charges, and services and except as may be otherwise authorized by this Constitution or by general law, the facilities of railroad, telephone, gas, and electric companies.

The Commission shall in proceedings before it ensure that the interests of the consumers of the Commonwealth are represented, unless the General Assembly otherwise provides for representation of such interests.

The Commission shall have such other powers and duties not inconsistent with this Constitution as may be prescribed by law.

Section 3. Procedures of the Commission.

Before promulgating any general order, rule, or regulation, the Commission shall give reasonable notice of its contents.

In all matters within the jurisdiction of the Commission, it shall have the powers of a court of record to administer oaths, to compel the

attendance of witnesses and the production of documents, to punish for contempt, and to enforce compliance with its lawful orders or requirements by adjudging and enforcing by its own appropriate process such fines or other penalties as may be prescribed or authorized by law. Before the Commission shall enter any finding, order, or judgment against a party it shall afford such party reasonable notice of the time and place at which he shall be afforded an opportunity to introduce evidence and be heard.

The Commission may prescribe its own rules of practice and procedure not inconsistent with those made by the General Assembly. The General Assembly shall have the power to adopt such rules, to amend, modify, or set aside the Commission's rules, or to substitute rules of its own.

Section 4. Appeals from actions of the Commission.

The Commonwealth, any party in interest, or any party aggrieved by any final finding, order, or judgment of the Commission shall have, of right, an appeal to the Supreme Court. The method of taking and prosecuting an appeal from any action of the Commission shall be prescribed by law or by the rules of the Supreme Court. All appeals from the Commission shall be to the Supreme Court only.

No other court of the Commonwealth shall have jurisdiction to review, reverse, correct, or annul any action of the Commission or to enjoin or restrain it in the performance of its official duties, provided, however, that the writs of mandamus and prohibition shall lie from the Supreme Court to the Commission.

Section 5. Foreign corporations.

No foreign corporation shall be authorized to carry on in this Commonwealth the business of, or to exercise any of the powers or functions of,

a public service enterprise, or be permitted to do anything which domestic corporations are prohibited from doing, or be relieved from compliance with any of the requirements made of similar domestic corporations by the Constitution and laws of this Commonwealth. However, nothing in this section shall restrict the power of the General Assembly to enact such laws specially applying to foreign corporations as the General Assembly may deem appropriate.

Section 6. Corporations subject to general laws.

The creation of corporations, and the extension and amendment of charters whether heretofore or hereafter granted, shall be provided for by general law, and no charter shall be granted, amended, or extended by special act, nor shall authority in such matters be conferred upon any tribunal or officer, except to ascertain whether the applicants have, by complying with the requirements of the law, entitled themselves to the charter, amendment, or extension applied for and to issue or refuse the same accordingly. Such general laws may be amended, repealed, or modified by the General Assembly. Every corporation chartered in this Commonwealth shall be deemed to hold its charter and all amendments thereof under the provisions of, and subject to all the requirements, terms, and conditions of, this Constitution and any laws passed in pursuance thereof. The police power of the Commonwealth to regulate the affairs of corporations, the same as individuals, shall never be abridged.

Section 7. Exclusions from term "corporation" or "company."

The term "corporation" or "company" as used in this article shall exclude all municipal corporations, other political subdivisions, and public institutions owned or controlled by the Commonwealth.

ARTICLE X

Taxation and Finance

Section 1. Taxable property; uniformity; classification and segregation.

All property, except as hereinafter provided, shall be taxed. All taxes shall be levied and collected under general laws and shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, except that the General Assembly may provide for differences in the rate of taxation to be imposed upon real estate by a city or town within all or parts of areas added to its territorial limits, or by a new unit of general government, within its area, created by or encompassing two or more, or parts of two or more, existing units of general government. Such differences in the rate of taxation shall bear a reasonable relationship to differences between nonrevenue producing governmental services giving land urban character which are furnished in one or several areas in contrast to the services furnished in other areas of such unit of government.

The General Assembly may define and classify taxable subjects. Except as to classes of property herein expressly segregated for either State or local taxation, the General Assembly may segregate the several classes of property so as to specify and determine upon what subjects State taxes, and upon what subjects local taxes, may be levied.

Section 2. Assessments.

All assessments of real estate and tangible personal property shall be at their fair market value, to be ascertained as prescribed by law. The General Assembly may define and classify real estate devoted to agricultural, horticultural, forest, or open space uses, and may by general law authorize any county, city, town, or regional government to allow deferral of, or relief from, portions of

taxes otherwise payable on such real estate if it were not so classified, provided the General Assembly shall first determine that classification of such real estate for such purpose is in the public interest for the preservation or conservation of real estate for such uses. In the event the General Assembly defines and classifies real estate for such purposes, it shall prescribe the limits, conditions, and extent of such deferral or relief. No such deferral or relief shall be granted within the territorial limits of any county, city, town, or regional government except by ordinance adopted by the governing body thereof.

So long as the Commonwealth shall levy upon any public service corporation a State franchise, license, or other similar tax based upon or measured by its gross receipts or gross earnings, or any part thereof, its real estate and tangible personal property shall be assessed by a central State agency, as prescribed by law.

Section 3. Taxes or assessments upon abutting property owners.

The General Assembly by general law may authorize any county, city, town, or regional government to impose taxes or assessments upon abutting property owners for such local public improvements as may be designated by the General Assembly; however, such taxes or assessments shall not be in excess of the peculiar benefits resulting from the improvements to such abutting property owners.

Section 4. Property segregated for local taxation; exceptions.

Real estate, coal and other mineral lands, and tangible personal property, except the rolling stock of public service corporations, are hereby segregated for, and made subject to, local taxation only, and shall be assessed for local taxation in such manner and at such times as the General Assembly may prescribe by general law.

Section 5. Franchise taxes; taxation of corporate stock.

The General Assembly, in imposing a franchise tax upon corporations, may in its discretion make the same in lieu of taxes upon other property, in whole or in part, of such corporations. Whenever a franchise tax shall be imposed upon a corporation doing business in this Commonwealth, or whenever all the capital, however invested, of a corporation chartered under the laws of this Commonwealth shall be taxed, the shares of stock issued by any such corporation shall not be further taxed.

Section 6. Exempt property.

(a) Except as otherwise provided in this Constitution, the following property and no other shall be exempt from taxation, State and local, including inheritance taxes:

(1) Property owned directly or indirectly by the Commonwealth or any political subdivision thereof, and obligations of the Commonwealth or any political subdivision thereof exempt by law.

(2) Real estate and personal property owned and exclusively occupied or used by churches or religious bodies for religious worship or for the residences of their ministers.

(3) Private or public burying grounds or cemeteries, provided the same are not operated for profit.

(4) Property owned by public libraries or by institutions of learning not conducted for profit, so long as such property is primarily used for literary, scientific, or educational purposes or purposes incidental thereto. This provision may also apply to leasehold interests in such property as may be provided by general law.

(5) Intangible personal property, or any class or classes thereof, as may be exempted in whole or in part by general law.

(6) Property used by its owner for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes, as may be provided by classification or designation by a three-fourths vote of the members elected to each house of the General Assembly and subject to such restrictions and conditions as may be prescribed.

(b) The General Assembly may by general law authorize the governing body of any county, city, town, or regional government to provide for the exemption from local real property taxation, or a portion thereof, within such restrictions and upon such conditions as may be prescribed, of real estate owned by, and occupied as the sole dwelling of, persons not less than sixty-five years of age who are deemed by the General Assembly to be bearing an extraordinary tax burden on said real estate in relation to their income and financial worth.

(c) Except as to property of the Commonwealth, the General Assembly by general law may restrict or condition, in whole or in part, but not extend, any or all of the above exemptions.

(d) The General Assembly may define as a separate subject of taxation any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth, and by general law may allow the governing body of any county, city, town, or regional government to exempt or partially exempt such property from taxation, or by general law may directly exempt or partially exempt such property from taxation.

(e) The General Assembly may define as a separate subject of taxation household goods and personal effects and by general law may allow the governing body of any county, city, town, or regional government to exempt or partially exempt

such property from taxation, or by general law may directly exempt or partially exempt such property from taxation.

(f) Exemptions of property from taxation as established or authorized hereby shall be strictly construed; provided, however, that all property exempt from taxation on the effective date of this section shall continue to be exempt until otherwise provided by the General Assembly as herein set forth.

(g) The General Assembly may by general law authorize any county, city, town, or regional government to impose a service charge upon the owners of a class or classes of exempt property for services provided by such governments.

Section 7. Collection and disposition of State revenues.

All taxes, licenses, and other revenues of the Commonwealth shall be collected by its proper officers and paid into the State treasury. No money shall be paid out of the State treasury except in pursuance of appropriations made by law; and no such appropriation shall be made which is payable more than two years and six months after the end of the session of the General Assembly at which the law is enacted authorizing the same.

Section 8. Limit of tax or revenue.

No other or greater amount of tax or revenues shall, at any time, be levied than may be required for the necessary expenses of the government, or to pay the indebtedness of the Commonwealth.

Section 9. State debt.

No debt shall be contracted by or in behalf of the Commonwealth except as provided herein.

(a) Debts to meet emergencies and redeem previous debt obligations.

The General Assembly may (1) contract debts to suppress insurrection, repel invasion, or defend

the Commonwealth in time of war; (2) contract debts, or may authorize the Governor to contract debts, to meet casual deficits in the revenue or in anticipation of the collection of revenues of the Commonwealth for the then current fiscal year within the amount of authorized appropriations, provided that the total of such indebtedness shall not exceed thirty per centum of an amount equal to 1.15 times the average annual tax revenues of the Commonwealth derived from taxes on income and retail sales, as certified by the Auditor of Public Accounts, for the preceding fiscal year and that each such debt shall mature within twelve months from the date such debt is incurred; and (3) contract debts to redeem a previous debt obligation of the Commonwealth.

The full faith and credit of the Commonwealth shall be pledged to any debt created under this subsection. The amount of such debt shall not be included in the limitations on debt hereinafter established, except that the amount of debt incurred pursuant to clause (3) above shall be included in determining the limitation on the aggregate amount of general obligation debt for capital projects permitted elsewhere in this article unless the debt so incurred pursuant to clause (3) above is secured by a pledge of net revenues from capital projects of institutions or agencies administered solely by the executive department of the Commonwealth or of institutions of higher learning of the Commonwealth, which net revenues the Governor shall certify are anticipated to be sufficient to pay the principal of and interest on such debt and to provide such reserves as the law authorizing the same may require, in which event the amount thereof shall be included in determining the limitation on the aggregate amount of debt contained in the provision of this article which authorizes general obligation debt for certain revenue producing capital projects.

(b) General obligation debt for capital projects and sinking fund.

The General Assembly may, upon the affirmative vote of a majority of the members elected to each house, authorize the creation of debt to which the full faith and credit of the Commonwealth is pledged, for capital projects to be distinctly specified in the law authorizing the same, provided that any such law shall specify capital projects constituting a single purpose and shall not take effect until it shall have been submitted to the people at an election and a majority of those voting on the question shall have approved such debt. No such debt shall be authorized by the General Assembly if the amount thereof when added to amounts approved by the people or authorized by the General Assembly and not yet submitted to the people for approval, under this subsection during the three fiscal years immediately preceding the authorization by the General Assembly of such debt and the fiscal year in which such debt is authorized shall exceed twenty-five per centum of an amount equal to 1.15 times the average annual tax revenues of the Commonwealth derived from taxes on income and retail sales, as certified by the Auditor of Public Accounts, for the three fiscal years immediately preceding the authorization of such debt by the General Assembly.

No debt shall be incurred under this subsection if the amount thereof when added to the aggregate amount of all outstanding debt to which the full faith and credit of the Commonwealth is pledged other than that excluded from this limitation by the provisions of this article authorizing the contracting of debts to redeem a previous debt obligation of the Commonwealth and for certain revenue-producing capital projects, less any amounts set aside in sinking funds for the repayment of such outstanding debt, shall exceed an amount equal to 1.15 times the average annual tax revenues of the Commonwealth derived from taxes on income and retail sales, as certified by the Auditor of

Public Accounts, for the three fiscal years immediately preceding the incurring of such debt.

All debt incurred under this subsection shall mature within a period not to exceed the estimated useful life of the projects as stated in the authorizing law, which statement shall be conclusive, or a period of thirty years, whichever is shorter; and all debt incurred to redeem a previous debt obligation of the Commonwealth, except that which is secured by net revenues anticipated to be sufficient to pay the same and provide reserves therefor, shall mature within a period not to exceed thirty years. Such debt shall be amortized, by payment into a sinking fund or otherwise, in annual installments of principal to begin not later than one-tenth of the term of the bonds, and any such sinking fund shall not be appropriated for any other purpose; if such debt be for public road purposes, such payment shall be first made from revenues segregated by law for the construction and maintenance of State highways. No such installment shall exceed the smallest previous installment by more than one hundred per centum. If sufficient funds are not appropriated in the budget for any fiscal year for the timely payment of the interest upon and installments of principal of such debt, there shall be set apart by direction of the Governor, from the first general fund revenues received during such fiscal year and thereafter, a sum sufficient to pay interest and installments of principal.

(c) **Debt for certain revenue producing capital projects.**

The General Assembly may authorize the creation of debt secured by a pledge of net revenues derived from rates, fees or other charges and the full faith and credit of the Commonwealth, and such debt shall not be included in determining the limitation on general obligation debt for capital projects as permitted elsewhere in this article, provided that

(1) the creation of such debt is authorized by the affirmative vote of two-thirds of the members elected to each house of the General Assembly; and

(2) such debt is created for specific revenue producing capital projects (including the enlargement or improvement thereof), which shall be distinctly specified in the law authorizing the same, of institutions and agencies administered solely by the executive department of the Commonwealth or of institutions of higher learning of the Commonwealth.

Before any such debt shall be authorized by the General Assembly and again before it shall be incurred the Governor shall certify in writing, filed with the Auditor of Public Accounts, his opinion, based upon responsible engineering and economic estimates, that the anticipated net revenues to be pledged to the payment of principal of and interest on such debt will be sufficient to meet such payments as the same become due and to provide such reserves as the law authorizing such debt may require, and that the project otherwise comply with the requirements of this subsection, which certifications shall be conclusive.

No debt shall be incurred under this subsection if the amount thereof when added to the aggregate amount of all outstanding debt authorized by this subsection and the amount of all outstanding debt incurred to redeem a previous debt obligation of the Commonwealth which is to be included in the limitation of this subsection by virtue of the provisions of this article authorizing the contracting of debts to redeem a previous debt obligation of the Commonwealth, less any amounts set aside in sinking funds for the payment of such debt, shall exceed an amount equal to 1.15 times the average annual tax revenues of the Commonwealth derived from taxes on income and retail sales, as certified by the Auditor of Public Accounts, for the three fiscal years immediately preceding the incurring of such debt

This subsection shall not be construed to pledge the full faith and credit of the Commonwealth to the payment of any obligation of the Commonwealth, or any institution, agency, or authority thereof, or to any refinancing or reissuance of such obligation which was incurred prior to the effective date of this subsection.

(d) Obligations to which section not applicable.

The restrictions of this section shall not apply to any obligation incurred by the Commonwealth or any institution, agency, or authority thereof if the full faith and credit of the Commonwealth is not pledged or committed to the payment of such obligation.

Section 10. Lending of credit, stock subscriptions, and works of internal improvement.

Neither the credit of the Commonwealth nor of any county, city, town, or regional government shall be directly or indirectly, under any device or pretense whatsoever, granted to or in aid of any person, association, or corporation; nor shall the Commonwealth or any such unit of government subscribe to or become interested in the stock or obligations of any company, association, or corporation for the purpose of aiding in the construction or maintenance of its work; nor shall the Commonwealth become a party to or become interested in any work of internal improvement, except public roads and public parks, or engage in carrying on any such work; nor shall the Commonwealth assume any indebtedness of any county, city, town, or regional government, nor lend its credit to the same. This section shall not be construed to prohibit the General Assembly from establishing an authority with power to insure and guarantee loans to finance industrial development and industrial expansion and from making appropriations to such authority.

Section 11. Governmental employee retirement system fund.

The General Assembly shall maintain a State employees retirement system to be administered in the best interest of the beneficiaries thereof and subject to such restrictions or conditions as may be prescribed by the General Assembly.

ARTICLE XI

Conservation

Section 1. Natural resources and historical sites of the Commonwealth.

To the end that the people have clean air, pure water, and the use and enjoyment for recreation of adequate public lands, waters, and other natural resources, it shall be the policy of the Commonwealth to conserve, develop, and utilize its natural resources, its public lands, and its historical sites and buildings. Further, it shall be the Commonwealth's policy to protect its atmosphere, lands, and waters from pollution, impairment, or destruction, for the benefit, enjoyment, and general welfare of the people of the Commonwealth.

Section 2. Conservation and development of natural resources and historical sites.

In the furtherance of such policy, the General Assembly may undertake the conservation, development, or utilization of lands or natural resources of the Commonwealth, the acquisition and protection of historical sites and buildings, and the protection of its atmosphere, lands, and waters from pollution, impairment, or destruction, by agencies of the Commonwealth or by the creation of public authorities, or by leases or other contracts with agencies of the United States, with other states, with units of government in the Commonwealth, or with private persons or corporations. Notwithstanding the time limitations of the provisions of Article X, Section 7, of this

Constitution, the Commonwealth may participate for any period of years in the cost of projects which shall be the subject of a joint undertaking between the Commonwealth and any agency of the United States or of other states.

Section 3. Natural oyster beds.

The natural oyster beds, rocks, and shoals in the waters of the Commonwealth shall not be leased, rented, or sold but shall be held in trust for the benefit of the people of the Commonwealth, subject to such regulations and restriction as the General Assembly may prescribe, but the General Assembly may, from time to time, define and determine such natural beds, rocks, or shoals by surveys or otherwise.

ARTICLE XII

Future Changes

Section 1. Amendments.

Any amendment or amendments to this Constitution may be proposed in the Senate or House of Delegates, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, the name of each member and how he voted to be recorded, and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates. If at such regular session or any subsequent special session of that General Assembly the proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the voters qualified to vote in elections by the people, in such manner as it shall prescribe and not sooner than ninety days after final passage by the General Assembly. If a majority of those voting vote in favor of any

amendment, it shall become part of the Constitution on the date prescribed by the General Assembly in submitting the amendment to the voters.

Section 2. Constitutional convention.

The General Assembly may, by a vote of two-thirds of the members elected to each house, call a convention to propose a general revision of, or specific amendments to this Constitution, as the General Assembly in its call may stipulate.

The General Assembly shall provide by law for the election of delegates to such a convention, and shall also provide for the submission, in such manner as it shall prescribe and not sooner than ninety days after final adjournment of the convention, of the proposals of the convention to the voters qualified to vote in elections by the people. If a majority of those voting vote in favor of any proposal, it shall become effective on the date prescribed by the General Assembly in providing for the submission of the convention proposals to the voters.

Schedule

Section 1. Effective date of revised Constitution.

This revised Constitution shall, except as is otherwise provided herein, go into effect at noon on the first day of July, nineteen hundred seventy-one.

Section 2. Officers and elections.

Unless otherwise provided herein or by law, nothing in this revised Constitution shall affect the oath, tenure, term, status, or compensation of any person holding any public office, position, or employment in the Commonwealth, nor affect the date of filling any State or local office, elective or appointive, which shall be filled on the date on which it would otherwise have been filled

Section 3. Laws, proceedings, and obligations unaffected.

The common and statute law in force at the time this revised Constitution goes into effect, so far as not in conflict therewith, shall remain in force until they expire by their own limitation or are altered or repealed by the General Assembly. Unless otherwise provided herein or by law, the adoption of this revised Constitution shall have no effect on pending judicial proceedings or judgments, on any obligations owing to or by the Commonwealth or any of its officers, agencies, or political subdivisions, or on any private obligations or rights.

Section 4. Qualifications of judges.

The requirement of Article VI, Section 7, that justices of the Supreme Court and judges of courts of record shall, at least five years prior to their election or appointment, have been members of the bar of the Commonwealth, shall not preclude justices or judges who were elected or appointed prior to the effective date of this revised Constitution, and who are otherwise qualified, from completing the term for which they were elected or appointed and from being reelected for one additional term.

Section 5. First session of General Assembly following adoption of revised Constitution.

The General Assembly shall convene at the Capitol at noon on the first Wednesday in January, nineteen hundred seventy-one. It shall enact such laws as may be deemed proper, including those necessary to implement this revised Constitution. The General Assembly shall reapportion the Commonwealth into electoral districts in accordance with Article II, Section 6, of this Constitution. The General Assembly shall be vested with all the powers, charged with all the duties, and subject to all the limitations prescribed by this Constitution except that this session shall

continue as long as may be necessary; that the salary and allowances of members shall not be limited by Section 46 of the Constitution of 1902 as amended and that the effective date limitation of Section 53 of the Constitution of 1902 as amended shall not be operative.

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CHAPTER II

RECENT CONSTITUTIONS PROPOSED TO THE PEOPLE, BUT NOT ADOPTED

PROPOSED REVISION

OF THE

Idaho Constitution

1970

Published By
Pete T. Cenarrusa
Secretary of State
Boise, Idaho

PREAMBLE

We, the people of the state of Idaho, grateful to almighty God for our freedom, to secure its blessings and promote our common welfare do establish this constitution, mindful of the concern of all good government for the virtue and sobriety of the people, purity of the home, and of the need to further all wise and well directed efforts for the promotion of temperance and morality.

ARTICLE I

DECLARATION OF RIGHTS

Sec. 1. **Inalienable rights of man.** All men are by nature free and equal and have certain inalienable rights, among them to enjoy and defend life and liberty; to acquire, possess, and protect property; and enjoy the right of privacy; to have the quality of their environment preserved and enhanced; to pursue happiness and secure safety.

Sec. 2. **Inherent political power of the people.** All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish it whenever they may deem it necessary; and no special privileges or immunities shall ever be granted that may not be altered, revoked. or repealed by the legislature.

Sec. 3. **Inseparability of the state from the United States of America.** The state of Idaho is an inseparable part of the United States of America, and the Constitution of the United States is the supreme law of the land.

Sec. 4. **Right of trial by jury in civil and criminal cases.** The right of trial by jury shall remain inviolate, except that

(a) in civil cases, a jury trial may be waived by consent of the parties, signified in such manner as prescribed by law; the jury shall consist of a number not less than six nor more than twelve persons as prescribed by law, or of any number upon which the parties may agree in open court; and three-fourths of the jury may render a verdict;

(b) in criminal cases, a jury shall be waived at the request of the defendant or of the defendants if there be more than one, made in open court. In misdemeanor cases, the legislature may provide that the jury shall consist of any number not less than six nor more than twelve persons, and that five-sixths of such jury may render a verdict. In felony cases, the verdict must be unanimous.

Sec. 5. **Guarantee against prosecution except by indictment or information.** No person shall be held to answer for any criminal offense except upon indictment by a grand jury or on information of the public prosecutor, except in cases of misdemeanor. No information shall be filed by the public prosecutor after a charge has been ignored by a grand jury, nor until after a commitment by a magistrate, except that such commitment shall not be required in cases of impeachment, in cases arising in the militia during its actual service in time of war or public danger, and in cases of misdemeanor punishable by a prison sentence of six months or less, or by a fine of one thousand dollars or less, or by both such prison sentence and fine.

Sec. 6 **Guarantee of right to bail.** All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is evident or the presumption great. Excessive bail shall not be required.

Sec. 7. **Guarantee of rights of defendant in criminal trials.** In all criminal proceedings the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf, and to appear and defend in person and with counsel.

Sec. 8. **Guarantee of right not to incriminate oneself.** No person shall be compelled in any criminal case to be a witness against himself.

Sec. 9. **Guarantee against cruel and unusual punishments.** Excessive fines shall not be imposed, nor cruel and unusual punishments be inflicted upon any person.

Sec. 10. **Guarantee against double jeopardy.** No person shall be twice put in jeopardy for the same offense.

Sec. 11. **Right of eminent domain; and public use defined.**

(a) The necessary use of property for reservoirs or storage basins for irrigation, or for rights of way for canals, ditches, flumes, or pipes to convey water to the place of beneficial use or for drainage; or for the drainage of mines, or the working thereof, by means of roads, railroads, tramways, cuts, tunnels, shafts, hoisting works, dumps, or other means for their complete development; or for any other purpose necessary for the complete development of the material resources of the state, (or for the preservation or enhancement of the health and general

welfare of its inhabitants) is hereby declared to be a public use and subject to regulation and control by the state.

(b) Private property may not be taken for public use until a just compensation, to be ascertained in the manner prescribed by law, shall have been paid.

Sec. 12. **Guarantee of right to bear arms.** The people have the right to keep and bear arms, but the legislature shall regulate the exercise of this right by law.

Sec. 13. **Guarantee against bills of attainder and ex post facto laws.** No bill of attainder of ex post facto law shall ever be passed.

Sec. 14. **Guarantee against imprisonment for debt.** There shall be no imprisonment for debt in this state except in cases of fraud.

Sec. 15. **Guarantee against the impairment of contracts.** No law impairing the obligations of contracts shall ever be passed.

Sec. 16. **Guarantee against unreasonable searches and seizures.** The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue without probable cause shown by affidavit, particularly describing the place to be searched and the person or thing to be seized.

Sec. 17. **Guarantee of right of assembly.** The people shall have the right to assemble in a peaceable manner, to consult for their common good, to instruct their representatives, and to petition the legislature for the redress of grievances.

Sec. 18. **Guarantee of freedom of speech.** Every person may freely speak, write, and publish on all subjects, but is responsible for the abuse of that liberty.

Sec. 19. **Guarantee of right of religious freedom.** The exercise and enjoyment of religious faith and worship shall forever be guaranteed; and no person shall be denied any civil or political right, privilege, or capacity because of his religious opinions. The legislature shall make no law respecting an establishment of religion.

Sec. 20. **Guarantee of right of habeas corpus.** The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety requires it, and then only in the manner prescribed by law.

Sec. 21. **Guarantee of right of due process and equal protection.** No person shall be deprived of life, liberty, or property without due process of law nor denied the equal protection of the laws.

Sec. 22. **Subordination of military to civil power.** The military shall be subordinate to the civil power; and no soldier in time of peace shall be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.

Sec. 23. **Guarantee of remedy for any injury.** Courts of justice shall be open to every person, and a speedy remedy afforded for every injury of person, property, or character, and right and justice shall be administered without sale, denial, delay, or prejudice.

Sec. 24. **Guarantee of right of suffrage.** No power, civil or military, shall at any time interfere with or prevent the free and lawful exercise of the right of suffrage.

Sec. 25. **Guarantee against property qualifications for holding office or voting.** No property qualifications shall be required to hold office or to vote in any election except in elections for directors of irrigation districts and except as provided in Article VIII, sections 4 and 5.

Sec. 26. **Reservation of rights not herein enumerated.** This enumeration of rights shall not be construed to impair or deny other rights retained by the people.

ARTICLE II

DISTRIBUTION OF POWERS OF THE GOVERNMENT OF THE STATE

The powers of the government of this state are divided into three distinct departments, the legislative, the executive, and the judicial; and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except as in this Constitution expressly directed or permitted.

ARTICLE III

THE LEGISLATIVE DEPARTMENT

Sec. 1. **Legislative power.** The legislative power of the state shall be vested in the legislature, except as provided in section 2 of this article.

Sec. 2. **Reservation of power of initiative and referendum.** The people reserve to themselves the power of referendum, that is, the power to approve or reject any act passed by the legislature; and also the power of initiative, that is, the power to propose laws to the same extent as the legislature and enact them independent of the legislature if consistent with this Constitution. The conditions and manner in which the powers of initiative and referendum may be exercised shall be prescribed by law, provided that the number of signatures required to petition for initiative and referendum questions shall be equal to 10% of the total vote cast for governor in the preceding gubernatorial election. A majority of the votes on any such proposal shall decide the question.

Sec. 3. **Composition of the legislature.** The legislature shall be composed of a Senate and a House of Representatives. The number of members of each chamber shall be prescribed by law, provided that the number of representatives shall not exceed twice the number of senators.

Sec. 4. **Definition of elective districts.** The legislature shall define the districts from which the members of the legislature are elected. Such districts shall be compact and contiguous, and shall be apportioned on a population basis to provide equal representation. Whenever the statute materially fails to meet the requirements for the districts the Supreme Court shall have original jurisdiction to enforce compliance with this section.

Sec. 5. **Qualification of legislators.** Members of the legislature shall be qualified electors.

Sec. 6. **Terms of office of legislators.** Representatives shall be elected for a term of two years and senators for a term of four years. The term of office of members of the legislature shall begin at noon of the first Monday in December following their election. One-half of the senators shall be elected every two years.

Sec. 7. **Manner of filling vacancies in the legislature.** When a vacancy occurs in either chamber of the legislature, it shall be filled as prescribed by law; except that any unexpired senate term caused by a vacancy shall be filled at the next legislative election if no special election has been provided for by statute.

Sec. 8. **Oath of office for legislators.** Before the legislators enter upon the duties of their respective offices, they shall take or subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Idaho, and that I will faithfully discharge the duties of senator (or representative) according to the best of my ability." Such oath may be administered by the governor, or a justice of the supreme court, or by the presiding officer of either house.

Sec. 9. **Compensation of legislators.** Legislators shall receive the salary and allowances prescribed by law, except that any change in the amounts thereof shall not apply to the legislature that enacted it.

Sec. 10. **Immunity of legislators.** Members of the legislature shall not in any case, except for treason or felony, be subject to arrest during any session of the legislature, or in going to and returning from any session; nor shall they be liable to any civil process during or for ten days prior to any session; nor shall members, for words uttered in speech or debate in either chamber, be questioned in any other place.

Sec. 11. **Sessions of the legislature.** The legislature shall be a continuous body during the term for which the Members of the House of Representatives are elected. The legislature shall meet in regular session annually. Special sessions of the legislature may be called by the governor and shall be called by him when a majority of the members of the Senate and a majority of the members of the House request him to do so. Neither house shall adjourn for more than three days without the permission of the other house except when the Senate is in session for the sole and separate purpose of considering confirmation of appointments.

Sec. 12. **Organization and procedure in the legislature.** Each chamber of the legislature shall be the final judge of whether a member has been elected and is otherwise qualified. Each chamber shall determine its organization and rules of procedure. The House of representatives shall choose its presiding officer from among its members.

Sec. 13. **Prohibition of secret sessions of the legislature.** The business of each house of the legislature and of the committee of the whole shall be transacted openly and not in secret session.

Section. 14. **Origin and amendment of bills.** Bills may originate in either house, and may be amended or rejected in the other.

Sec. 15. **Manner of passing bills.** No law shall be passed except by bill nor shall any bill be put upon its final passage until the same with the amendments thereto shall have been printed or reproduced in writing for the use of the members; nor shall any bill become a law unless the same shall have been read by title on three several days in each house previous to the final vote thereon: provided, in case of urgency, two-thirds of the house where such bill may be pending upon a vote of ayes and nays may dispense with this provision. On final passage of all bills the vote shall be ayes and nays upon each bill separately, and shall be entered upon the journal; and no bill shall become a law without the concurrence of a majority of the members present.

Sec. 16. **Signature requirement on bills and resolutions.** All bills or joint resolutions passed shall be signed by the presiding officers of both the House and Senate.

Sec. 17. **Veto by the governor.**

(a) When a bill is passed by the legislature it shall be forthwith presented to the governor. It shall become law if the governor either signs or fails to veto it within 7 days, Sundays excepted, of presentation if the legislature is then in session. If the legislature is not in session at the expiration of such 7-day period, the bill shall become law if the governor signs it or fails to veto it within 14 days, Sundays excepted, of its presentation. The governor shall return to the house in which it originated the bill which he has vetoed together with his objections, within 7 days of presentation if the legislature is then in session, or if it is not, at the commencement of the next session of the same legislature. The house to which the bill has been returned shall reconsider the bill. If upon reconsideration two-thirds of the members present agree to pass the bill, it shall be sent together with the governor's objections to the other house where it shall likewise be reconsidered, and if then approved by two-thirds of the members present in that house it shall become law.

(b) The time periods in which the governor is permitted to strikeout any item or items in appropriation bills passed by the legislature shall be the same as provided in the preceding paragraph with respect to the veto of entire bills, and the item or items struck shall be void unless again passed according to the rules and limitations prescribed for the passage of entire bills over the governor's veto.

Sec. 18. **Restriction of subjects in bills.** Every bill shall be confined to one subject and properly associated matters, and all appropriation bills shall be confined to the subject of appropriations, except that recodification and other comprehensive revisions of the statutes for a specific purpose may be considered.

Sec. 19. **Prohibition of special and local laws.** The legislature shall pass no special or local act when a general act is, or can be made, applicable.

Sec. 20. **Prohibition of lotteries.** The legislature shall not authorize any lottery or gift enterprise under any pretense or for any purpose whatever.

Sec. 21. **Appointment, qualifications, and duties of auditor.** The legislature shall appoint an auditor to serve at its pleasure. The auditor, in the manner prescribed by law, shall have the power and duty to conduct post-audits of all state agencies, and of the use of state appropriated or state allocated moneys by political subdivisions of the state. He shall report to the governor and the legislature.

Sec. 22. **Effective date of acts.** Every act will take effect 60 days from the end of the session at which it was passed, unless a later date shall be specified in the law, but an act may take effect at an earlier date in case of emergency which shall be declared in the law.

Sec. 23. **Sentences, probation, parole, and release procedures.** Maximum sentences or maximum and minimum sentences, and probation, parole, and release procedures shall be prescribed by law for persons either convicted of offenses against the state or any political subdivision, or convicted of such offenses and confined to penal or correctional institutions. The legislature shall designate or establish an agency or agencies to administer such laws.

Sec. 24. **Impeachment.**

(a) The elected officials of the executive department, justices of the supreme court and judges of all courts may be impeached for misconduct in office.

(b) The House of Representatives, by vote of a majority of its members then in office, shall have the sole power to charge misconduct and thereby initiate impeachment proceedings.

(c) The Senate shall try all such charges of misconduct, and select the presiding officer. No one may be convicted of such charges unless two-thirds of the senators then in office concur, as determined by roll call vote entered in the journal.

(d) The effect of a judgment of conviction shall be limited to removing the convicted official from office and disqualifying him from holding any state office for a period prescribed by law; but such official, whether convicted or acquitted, remains subject to criminal prosecution according to law.

Sec. 25. **Continuity of operations of the state and local governments.** In order to insure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack or in periods of emergency resulting from the imminent threat of such disasters, the legislature shall have the power and the immediate duty (a) to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which become unavailable to carry on the powers and duties of such offices, and (b) to adopt such other measures as may be necessary and proper. In the exercise of the powers here conferred, the legislature shall in all respect conform to the requirements of this Constitution except to the extent that, in its judgment, to do so would be impracticable or would admit of undue delay.

ARTICLE IV

THE EXECUTIVE DEPARTMENT

Sec. 1. **Elected officials and terms of office.**

(a) The elected officials of the executive department shall consist of a governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney-general and superintendent of public instruction.

(b) The terms of office of such officials shall be four years beginning at noon of the first Monday in December following their election.

(c) The governor and lieutenant governor shall belong to the same political party and shall be elected jointly.

Sec. 2. **Qualifications of elected officials.** The elected officials of the executive department shall be at least twenty-five years of age, citizens of the United States, and residents of the state for two years immediately preceding their filing for office. During their terms of office, the elected officials of the executive department shall not hold any other office or employment for profit in the government of the United States, the state, or a political subdivision. No person shall be elected to the office of attorney-general who is not an attorney admitted to practice before the Supreme Court of the state.

Sec. 3. **Compensation of elected officials.** The compensation of the elected officials of the executive department shall be prescribed by law, but shall not be diminished during their respective terms of office.

Sec. 4. **Executive powers of the governor.**

(a) The executive powers of the state shall be vested in the governor. He shall be responsible for the faithful execution of the laws. By appropriate action in the name of the state, he may enforce compliance with or restrain violations of the Constitution or the statutes of the state by any agency, officer, or employee of the state or any political subdivision but this power shall not authorize any action or proceeding against the legislature.

(b) The governor may at any time require information in writing or otherwise from the officers of any executive department or agency upon any subject relating to their respective offices.

(c) The governor shall be the commander-in-chief of the armed forces of the state, except when they shall be called into the service of the United States, and he may call upon them to execute the laws, to preserve order, to suppress insurrection, to repel invasion, or to serve in time of public emergency.

(d) The governor shall appoint and may remove the heads of all executive departments.

(e) The governor shall appoint all members of boards and commissions, except as provided in (f) herein, in the manner and for the terms prescribed by law, subject to such requirements as to confirmation, and restrictions on removal, as may be prescribed by law.

(f) The provisions of (e) above shall not apply to members of the State Bar Commission; provided that members of any commission which participates in the selection of or recommends the selection of judges shall be appointed in the manner prescribed by law.

Sec. 5. **Allocation of offices and agencies.**

(a) All executive and administrative offices and agencies of the state and their respective functions, powers, and duties shall be allocated by law among the principal executive departments so as to group them, as far as practicable, according to major functions.

(b) Regulatory, quasi-judicial, and temporary agencies established by law may, but need not, be allocated within principal executive departments.

(c) The legislature shall prescribe the powers and duties of the principal executive departments and of all other agencies of the state; and may from time to time reallocate offices and agencies among the principal executive departments; and may increase, modify, diminish, eliminate, or change their powers and duties; except that

the legislature shall not abolish any office or agency created by this constitution, nor shall it abrogate or curtail any power, function, or duty herein conferred upon an office or agency.

(d) The governor may make such changes in the allocation of the executive offices and agencies and of their powers, functions, and duties as he considers necessary for efficient administration. If such changes affect existing law, they shall be set forth in executive orders which shall be submitted to the legislature within the first ten days of a regular session and shall become effective and of the force of law sixty days after submission or at the close of the session, whichever is sooner, unless disapproved by a resolution concurred in by both houses by a majority of members voting in each house.

Sec. 6. **Legislative powers of the governor.**

(a) The governor shall at the beginning of each session, and may at other times, give the legislature information concerning the affairs of the state and recommend measures he considers necessary or desirable.

(b) At a time fixed by law, the governor shall submit to the legislature a budget for the next fiscal period, setting forth all proposed expenditures and anticipated income of all offices and agencies of the state.

(c) The governor may convene the legislature in special session, and shall do so when a majority of the members of the Senate and a majority of the members of the House both request him to do so.

(d) The governor may veto bills passed by the legislature, and may by veto, strike items in appropriation bills. He shall have no power to veto initiative or referendum measures. The veto power of the governor shall be subject to the limitations and exercised in the manner provided in section 17 of Article III of this Constitution.

Sec. 7. **Power of executive clemency.** In all cases other than impeachment and treason, the governor may commute sentences, suspend and remit fines and forfeitures, and grant pardons and reprieves. An agency may be established or designated by law to aid and advise the governor in the exercise of executive clemency.

Sec. 8. **Powers of the lieutenant governor.** The lieutenant governor shall have duties assigned by the governor and duties prescribed by law. He shall be president of the Senate, but shall vote only when the Senate is equally divided. He shall serve as acting governor in the case of the governor's temporary absence from the state, and when so directed by the governor.

Sec. 9. **Succession to the offices and powers of governor and lieutenant governor.**

(a) If the governor-elect dies, resigns, or is disqualified, the lieutenant governor-elect shall succeed to the office of governor for the full term. If the governor-elect fails to assume office for any other reason, the lieutenant governor shall serve as acting governor; and he shall succeed to the office of governor if the governor-elect does not assume his office within six months of the beginning of the term.

(b) In case of the removal of the governor from office or his death or resignation, the lieutenant governor shall become governor for the remainder of the term.

(c) Whenever the governor transmits to the presiding officers of the House and Senate his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be exercised by the lieutenant governor as acting governor.

(b) Whenever the lieutenant governor and a majority of either the heads of the executive departments or of the members of such other body as the legislature may provide transmit to the House and Senate their written declaration that the governor is unable to discharge the powers and duties of his office, the lieutenant governor shall immediately become acting governor. Thereafter, when the governor transmits to the House and Senate his written declaration that no inability exists he shall resume his powers and duties unless the lieutenant governor and a majority of either the heads of the executive departmentments or of the members of such other body as the legislature may provide transmit within four days to the House and Senate their written declaration that the governor is unable to discharge the powers and duties of his office.

Thereupon the legislature shall assemble within 48 hours if not in session, and shall decide the issue. If the legislature, within ten days after the receipt of the latter written declaration or, if not in session, within ten days after the legislature is required to assemble, determines by two-thirds vote of the members voting in both houses that the governor is unable to discharge the powers and duties of his office, the lieutenant governor shall continue to discharge the duties of acting governor; otherwise, the governor shall resume the powers and duties of his office.

(e) The acting governor shall have all the powers and duties of the governor.

(f) Whenever there is a vacancy in the office of lieutenant governor, the governor shall nominate a lieutenant governor who shall take office upon confirmation by each house of the legislature by a majority of the members voting.

(g) The legislature, in cases not herein provided for, may enact laws for succession to the office of governor and lieutenant governor.

ARTICLE V

THE JUDICIAL DEPARTMENT

Sec. 1. **Establishment of a single form of action.** Distinctions between actions at law and suits in equity, and the forms of all such actions and suits, are prohibited and a civil action shall be the only form of action for the enforcement or protection of private rights or the redress for private wrongs.

Sec. 2. **Treason against the state.** Treason against the state shall consist only in levying war against it or in adhering to its enemies or giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or on confession in open court. The legislature shall have the power to declare the punishment for treason.

Sec. 3. **Exercise of sovereign immunity.** The defense of sovereign immunity shall not be raised by the state or any political subdivision, except to the extent and in the manner prescribed by the legislature subsequent to the adoption of this Constitution.

Sec. 4. **Delegation of judicial power of the state.**

(a) Except for the power to try impeachments set forth in section 24 of Article III, the judicial power of the state shall be vested in a Supreme Court, a district court and such other courts inferior to the Supreme Court as may be established by the legislature.

(b) The legislature may provide that awards in arbitration may be entered as judgments in courts.

Sec. 5. **Creation of an integrated judicial system.** The courts shall constitute a unified and integrated judicial system administered and supervised by the Supreme Court.

Sec. 6. **Appropriations for the judicial department.** The chief justice shall submit requests for appropriations for the judicial department to the governor and to the legislature. These appropriations shall provide for compensation for the justices and judges, salaries for the personnel, and other expenses of the Supreme Court, the district court, and inferior courts; the money necessary for the administration of the integrated court system; and all other expenses of the judicial department.

Sec. 7 **The Supreme Court of the state.**

(a) The Supreme Court shall be the highest court of the state and shall consist of five justices, one of whom shall be the chief justice. The legislature may increase the number of justices to seven.

(b) Any district court judge or any retired Supreme Court justice or any retired district court judge may sit with the Supreme Court, at its request, in place of and with the authority of a justice in the cause specified.

(c) The Supreme Court may sit en banc or in divisions of not less than three justices. In case the court shall sit in divisions, each division shall have the power and authority of the full court in the determination of causes, the issuing of writs, and the exercise of powers vested in the court by this Constitution or by statute, subject to the general control, and to the rules and regulations, of the court sitting en banc; but all captial cases and cases involving the Constitutions of the United States or of the state shall be decided only by the court en banc.

(d) The salary of the justices shall be fixed by the legislature, but no justice's salary shall be diminished during his term of office.

(e) A vacancy in the office of justice of the supreme court shall be filled by the governor in the manner prescribed by law, with the advice and consent of the Senate. The term of office of a justice of the Supreme Court shall expire at midnight of the thirty-first day of December following the election herein required, unless his retention in office is approved at such election. At the first general election held after the expiration of two years from the date of his assumption of office and every six years thereafter so long as he retains his office, every justice of the supreme court shall be subject to approval or rejection by the electors of the state.

(f) The justices of the supreme court shall by majority vote designate one of the justices to serve as chief justice for the remainder of his term. He may be chosen as chief justice for additional terms. During a vacancy in the office of chief justice, all the powers and duties of that office shall devolve on the justice of the supreme court who is senior in length of service on that court.

(g) The Supreme Court shall sit at places prescribed by law.

Sec. 8. **Jurisdiction of the supreme court.**

(a) The Supreme Court shall be the highest court in the state and shall have appellate jurisdiction to review such orders or judgments of courts inferior to the Supreme Court, and of regulatory and quasi-judicial boards, commissions, and offices as shall be prescribed by law.

(b) The Supreme Court shall have the original jurisdiction prescribed by this Constitution and by statute enacted subsequent to the ratification of this Constitution.

(c) The Supreme Court shall have power to issue all writs necessary or proper for the full exercise of its original or appellate jurisdiction.

(d) The practice and procedure for the prosecution of all appeals and methods of appeal shall be regulated by rule of the Supreme Court. The scope and condition of all appeals shall be regulated by the legislature.

Sec. 9. **Powers of the Supreme Court and of the chief justice.**

(a) The Supreme Court may make rules of pleading, practice, and procedure for all courts.

(b) The chief justice shall be the administrative head of the unified judicial system.

(c) When requested by the chief justice, retired justices and retired judges shall perform such duties for the judicial department as directed and in return shall receive compensation provided by law.

Sec. 10. **The district court of the state.**

(a) The district court shall be divided into judicial districts, the number and boundaries of which shall be determined by the legislature.

(b) The legislature shall determine the number of judges for each district.

(c) The location of chambers of judges of the district court shall be prescribed by the legislature.

(d) Each judge of the district court shall reside in the district in which he was elected or to which he was appointed.

(e) The salary of judges of the district court shall be fixed by the legislature, except that the salary of such a judge shall not be diminished during his term of office.

(f) The judges within each district shall select personnel for court positions authorized by law.

(g) The manner of selection and tenure of judges of the district court shall be prescribed by law.

Sec. 11. **Authority of a judge of the district court, a retired justice, or a retired judge to hold a district court in any judicial district.** When requested by the chief justice to do so, a judge of any district court, a retired justice of the supreme court, or a retired judge of any district court may hold a district court in any judicial district designated in such a request. It shall be the duty of a judge of the district court to comply with any such requests.

Sec. 12. **Jurisdiction of the district court.** The district court shall have original jurisdiction in all criminal and civil actions and such appellate jurisdiction as prescribed by law.

Sec. 13. **Qualifications of justices of the supreme court and judges of the district court.** Justices of the supreme court and judges of the district court shall be citizens of the United States, residents of the state, and shall have been admitted to practice before the Supreme Court of the state for five years. The selection of justices and judges shall be non-partisan.

Sec. 14. **Restrictions on justices and judges.** A justice of the supreme court or judge of the district court shall not engage in the practice of law, hold office in any political party or partisan organization, or be a candidate for or hold any other public office.

Sec. 15. **The inferior courts.** The inferior courts which the legislature is authorized to establish in section 4 of this article shall have the original and appellate jurisdiction prescribed by law. The term of office, compensation, qualifications, and manner of selection of judges of such inferior courts shall be prescribed by law.

Sec. 16. **Retirement, discipline, and removal of justices and judges.** In addition to the impeachment procedure in this Constitution, the legislature shall provide by law for the removal or discipline of justices and judges for willful misconduct in office, or willful or persisent failure to perform their duties, or habitual intemperance; and shall provide by law for the retirement of justices and judges for age, or for disability that seriously interferes with the performance of their duties and which is or is likely to become permanent.

Sec. 17. **General and uniform operation of laws and rules.** All laws relating to the courts and all rules of pleading, practice, and procedure made by the Supreme Court shall be general and uniform throughout the state.

ARTICLE VI

THE ELECTIVE PROCESS

Sec. 1. **Guarantee of secret ballot.** All elections by the people shall be by absolutely secret ballot, which the legislature must guarantee by law.

Sec. 2. **Qualifications of electors.** Every citizen of the United States who meets the requirements prescribed by law as to age and residence in the state and political subdivision shall be a qualified elector, except that no person shall be permitted to vote who is in prison or other penal institution serving a sentence for a felony or who is proven to be of unsound mind by a judgment of a court. The legislature may require qualified electors to register as a prerequisite to voting.

ARTICLE VII

TAXES

Sec. 1. **Limitations on the taxing power.**

(a) No tax shall be imposed except for a public purpose.

(b) No tax shall be imposed except by the elected representatives of the people exercising the legislative power of the state or a political subdivision, or by initiative or by referendum. The legislature shall prescribe the kinds and limit the amount of taxes that may be imposed by a political subdivision.

Sec. 2. **Uniform taxation and exemptions.** All ad valorem taxes shall be uniform upon all real and personal property located within the territorial limits of the authority levying the tax, and shall be levied, assessed and collected under general laws, which shall prescribe such regulations as shall secure just and uniform valuation for assessments of taxes upon all property, real and personal, located within the territorial limits of the authority levying the tax; provided that the legislature may allow such exemptions from taxation from time to time as shall seem necessary and just.

Sec. 3. **Restriction on use of gasoline taxes and motor vehicle registration fees.** The proceeds from the imposition of any tax on gasoline and motor vehicle fuels sold or used to propel motor vehicles upon the highways of this state and from any tax or fee for the registration of motor vehicles, in excess of the necessary costs of collection and administration and any refund or credits authorized by law, shall be used exclusively for the construction, repair, maintenance, and traffic supervision of the public highways of the state and for the payment of the interest and principal of obligations incurred for said purposes; and no part of such revenues shall be diverted by transfer of funds or otherwise, to any other purposes whatsoever.

ARTICLE VIII

PUBLIC INDEBTEDNESS, RESERVES, AND APPROPRIATIONS

Sec. 1. **Limit on appropriations.** Neither the legislature nor the legislative body of a political subdivision shall appropriate monies in excess of revenues for the period for which the appropriations are made.

Sec. 2. **Limits on indebtedness of the state and of political subdivisions.**

(a) No debt shall be incurred by a political subdivision unless the purposes of such debt are within a classification previously authorized by the legislature.

(b) No debt, other than one repayable within its fiscal period, shall be incurred by or in behalf of the state or a political subdivision except for projects or acquisitions distinctly specified.

(c) No debt to finance current obligations shall be incurred by the state or a political subdivision in violation of section 1 of this article.

(d) Limits on the amount of indebtedness by the state or a political subdivision shall be set by the legislature, but state indebtedness shall never exceed in the aggregate the sum of two million dollars. Limits on the amount of indebtedness by the state or a political subdivision shall be set by the legislature. Limits on the amounts of general obligation bonds shall be expressed as a fraction of the assessed valuation of property within the taxing unit. General obligation bonds are those secured by a pledge of any part of the taxing power of the state or political subdivision.

Sec. 3. **Limits on accumulation of funds by the state and by political subdivisions.** Except for sinking funds required to retire bonded indebtedness, the state and political subdivisions may accumulate funds from one fiscal period to another only for the purpose of capital improvements upon terms and conditions prescribed by the legislature.

Sec. 4. **Limits on the creation of certain capital reserve funds and on the issuance of general obligation bonds by political subdivisions.** No political subdivisions shall accumulate capital reserves solely from revenues derived from taxes on real property or issue general obligation bonds unless the qualified electors approve; provided, however, that the vote for those general obligation bonds and capital reserves that are payable or accumulated solely from revenues derived from taxes on real property may be restricted by the legislature to landowners.

Sec. 5. Percentage of vote required in bond and capital reserve elections.

(a) If the legislature restricts the vote to landowners under section 4 of this article, no less than a majority, but no more than sixty-six and two-thirds per cent of the votes cast shall be required to carry the question.

(b) In all other elections required by law for the issuance of bonds or the creation of capital reserves, a majority of the votes cast shall carry the question.

Sec. 6. Other restrictions on the issuance of bonds by political subdivisions. Bonds payable from special assessments on property benefited thereby, revenue bonds, and all other bonds, except general obligation bonds, shall be issued only on terms and conditions prescribed by the legislature consistent with section 2 of this article.

ARTICLE IX

EDUCATION AND PUBLIC SCHOOL FUNDS

Sec. 1. Establishment and maintenance of a system of free schools. The legislature shall establish and maintain a general, uniform and thorough system of public, free common schools, open to all persons of school age, and may provide for other public educational institutions.

Sec. 2. Inviolability of public-school fund. The public-school fund of the state shall forever remain inviolate and intact; the interest and income from it shall be expended in the maintenance of the schools of the state, and shall be distributed among the statewide system of free public education in the manner prescribed by law. No part of this fund, principal or interest, shall ever be transferred to any other fund or used or appropriated except as herein provided. The custodian of this fund shall be designated by law. The fund shall be securely and profitably invested as directed by law. The legislature shall repair by appropriations all losses suffered by the fund.

Sec. 3. Definition of public-school fund. The public-school fund of the state shall consist of the proceeds of such lands as have heretofore been granted, or may hereafter be granted, to the state by the national government, known as school lands, and those granted in lieu of such; lands acquired by gift or grant from any person or corporation under any law or grant of the national government; and all other grants of land made to the state from the national government for general educational purposes, or for no spec fied purpose; all escheats to the state; and all other land grants, gifts, devises, or bequests made to the state for general educational purposes.

Sec. 4. Guarantee against sectarian control, religious teaching, and segregation in public educational institutions. There shall be no sectarian control over public educational institutions and no money appropriated for sectarian schools or for sectarian purposes. There shall be no segregation in public educational institutions because of race, religion, or ancestry. No sectarian or religious test shall ever be required of any person as a condition of admission or employment in any public educational institution. The principle of separation of church and state shall be maintained.

Sec. 5. Establishment of the state board of education. The formulation of policy for, and the general supervision of, the state educational institutions and the public school system of the state shall be vested in a state board of education consisting of not more than fifteen or fewer than nine members. The powers and duties of the board and the exact number and term of office of the members shall be prescribed by law. Members of the board of education shall be appointed by the governor, subject to confirmation by the Senate.

Sec. 6. Corporate powers of state institutions of higher learning. The state institutions of higher learning, including those now located at Boise, Lewiston, and Pocatello and such other institutions of higher learning as may hereafter be created by the legislature, shall have the same corporate powers as now or hereafter possessed by the University of Idaho at Moscow.

ARTICLE X

PUBLIC INSTITUTIONS

Sec. 1. Seat of state government. The seat of government of the state shall be located at Boise.

Sec. 2. Establishment and support of penal and correctional institutions.

(a) The legislature shall provide for the establishment and support of penal and other institutions of correction and rehabilitation, and shall also provide an agency to administer all such institutions as a unified penal and correctional system.

(b) The agency shall appoint the wardens and other principal officers of all the above institutions who shall serve at the pleasure of the agency.

Sec. 3. Establishment and support of other state institutions. Other institutions required for the public good shall be established, located, changed, and supported by the state as prescribed by law.

ARTICLE XI

CORPORATIONS AND PUBLIC UTILITIES

Sec. 1. **Provision for corporations.** The legislature shall provide for the organization and regulation of corporations, and prescribe the powers, rights, duties, and liabilities of their officers and stockholders or members.

Sec. 2. **Guarantee against fictitious increase in capital stock.** No corporation shall issue stock or bonds except for labor done, service performed, or money or property actually received; and all fictitious increase of stock or of indebtedness shall be void.

Sec. 3. **Liability of stockholders.** Amounts due from stockholders to private corporations may be secured by means prescribed by law, but a stockholder shall be liable only for the unpaid balance due the corporation for stock purchased and owned by him.

Sec. 4. **Cumulative voting of shares of stock.** Every holder of shares of voting stock in any corporation other than a cooperative or membership corporation shall have the right of cumulative voting of such shares for the election of directors or managers of the corporation.

Sec. 5. **Regulation of public utilities.** The power of the legislature to regulate and control public utilities shall never be abridged. No public utility shall ever discriminate unduly in the services supplied or rates charged.

Sec. 6. **Guarantee against contracts and combinations in restraint of trade.** Every contract, combination, or conspiracy in restraint of trade or commerce is hereby prohibited. To assure compliance with this section, the legislature shall impose adequate penalties for its violation, including if necessary the forfeiture of property and franchise.

ARTICLE XII

POLITICAL SUBDIVISION

Sec. 1. **Definition of political subdivision.** As used in this and other articles of this Constitution, the term political subdivision shall mean any public entity organized in the manner prescribed by law, with boundaries in some defined portion of the state and with officials who are elected by voters residing or owning land within such boundaries or who are appointed by officials so elected. Such a subdivision shall include but not be limited to cities, counties, municipal and quasi-municipal corporations; and school, road, local improvement and other types of districts.

Sec. 2. **Powers and duties of political subdivisions, and their organization, merger, division and dissolution.** The legislature shall prescribe the powers and duties of political subdivisions, and shall also provide for their incorporation, organization, classification, consolidation, merger, division, and dissolution; provided that no existing county may be divided or dissolved or consolidated with any other county or counties except upon approval of a majority vote in each county of the qualified electors voting on the question.

Sec. 3. **Allocation of indebtedness when a political subdivision is merged, consolidated, divided, or dissolved.** The legislature may provide that when a political subdivision is merged, consolidated, divided, or dissolved, its existing indebtedness or the burden of such indebtedness shall be allocated equitably, in a manner and by an agency or agencies to be prescribed by law; provided, however, that the contractual rights of the owners of such indebtedness shall not be impaired in any way. The provisions of Article VIII shall not apply to any such allocation.

Sec. 4. **Cooperation of political subdivisions.** The legislature may authorize any two or more political subdivisions to agree to do singly for all, or jointly, that which each is empowered or required to do.

Sec. 5. **Cooperation of the state and of political subdivisions with other political units.** To the extent permitted by the Constitution of the United States, the legislature may authorize the state and political subdivisions to cooperate in the administration of their functions and powers with other states or governments or their political subdivisions.

ARTICLE XIII

PUBLIC LANDS AND PERMANENT ENDOWMENT FUNDS

Sec. 1. **Control and administration of public lands.** The location, protection, acquisition, sale, exchange, rental, improvement, direction, and control of the public lands of the state shall be determined and administered as provided by law consistent with sections 2 and 3 of Article IX and section 7 of Article XV of this Constitution.

Sec. 2. **Investment of state permanent endowment funds.** The permanent endowment funds other than funds arising from the disposition of university lands shall be invested, under terms and conditions, if any, prescribed by the legislature, in bonds or obligations of the United States, states, counties, municipalities, or school districts, or otherwise prudently invested as permitted by law.

ARTICLE XIV

THE STATE MILITIA

Sec. 1. **Provision for organization and equipment of militia.** The state militia shall be organized, manned, equipped, and disciplined as provided by law.

Sec. 2. **Conditions for exemption from service.** Exemptions from duty in the state militia shall only be under conditions set forth by the legislature of the state of Idaho and the Congress of the United States.

ARTICLE XV

WATER RIGHTS

Sec. 1. **Establishment of the sale of appropriated waters as a public use.** The use of all waters now appropriated or that may hereafter be appropriated for sale, rental, or distribution; and of all water originally appropriated for private use, but which after such appropriation has heretofore been or may hereafter be sold, rented, or distributed; is hereby declared to be a public use, and subject to the regulation and control of the state in the manner prescribed by law.

Sec. 2. **Regulation of rates for water sold.** The right to collect rates or compensation for the use of water supplied to any county, city, town, or water district, or the inhabitants thereof, is a franchise, and cannot be exercised except by authority of and in the manner prescribed by law.

Sec. 3. **Guarantee of right to appropriate water and establishment of priorities for its use.** The right to divert and appropriate the unappropriated natural surface or subsurface waters to beneficial or public uses shall never be denied, except that the state may regulate and limit the use thereof for power purposes. Priority of appropriation shall give the better right as between those using the water; but when such waters are not sufficient for the service of all those desiring their use, those using the water for domestic purposes shall (subject to such limitations as may be prescribed by law) have the preference over those claiming for any other purpose; and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes. And in any organized mining district those using the water for mining purposes or milling purposes connected with mining shall have preference over those using the same for manufacturing or agricultural purposes. But the usage by such subsequent appropriators shall be subject to such provisions of law regulating the taking of private property for public and private use as referred to in section 11 of Article I of this Constitution.

Sec. 4. **Guarantee of continuing rights to water.** Whenever any waters have been or shall be appropriated or used for agricultural purposes, under a sale, rental, or distribution thereof, such sale, rental, or distribution shall be deemed an exclusive dedication to such use; and whenever such waters so dedicated shall have once been sold, rented, or distributed to any person who has settled upon or improved land for agricultural purposes with the view of receiving the benefit of such water under such dedication, such person, his heirs, executors, administrators, successors, or assigns, shall not thereafter without his consent be deprived of the annual use of that water when needed for domestic purposes or to irrigate the land so settled upon or improved, upon payment therefor and compliance with such equitable terms and conditions as to the quantity used and times of use as may be prescribed by law.

Sec. 5. **Priorities and limitations on use of water.** Whenever more than one person has settled upon or improved land with the view of receiving water for agricultural purposes under a sale, rental, or distribution thereof, as provided for in section 4 of this article, priority in time among such persons shall give superiority of right to the use of such water in the numerical order of such settlements or improvements; but whenever the supply of such water shall not be sufficient to meet the demands of all those desiring to use it, such priority of right shall be subject to reasonable limitations regarding the quantity of water used and times of use as the legislature, having due regard both to such priority of right and the necessities of those subsequent in time of settlement or improvement, may by law prescribe.

Sec. 6. **Regulation of rates for use of water.** The legislature shall provide by law the manner in which reasonable maximum rates may be established for the use of water sold, rented, or distributed for any useful or beneficial purpose.

Sec. 7. **Establishment of a state water resource agency.** There shall be constituted a water resource agency, composed as the legislature may now or hereafter prescribe, which shall have the power to formulate and implement a state water plan for optimum development of water resources in the public interest: to construct and operate water projects; to issue bonds, without state obligation, to be repaid from revenues of projects; to generate and wholesale hydroelectric power at the site of production; to appropriate public waters as trustee for agency projects; to acquire, transfer, and encumber title to real property for water projects and to have control and administrative authority over state lands required for water projects; all under such laws as may be prescribed by the legislature.

ARTICLE XVI

STATE NAME AND BOUNDARIES

The name of this state is Idaho, and its boundaries are as follows: beginning at a point in the middle channel of the Snake River where the northern boundary of Oregon intersects the same; then follow down the channel of the Snake River to a point opposite the mouth of the Kooskia or Clearwater River, thence due north to the forty-ninth parallel of latitude; thence east along that parallel to the thirty-ninth degree of longitude west of Washington; thence south along the degree of longitude to the crest of the Bitter Root Mountains; thence southward along the crest of the Bitter Root Mountains till its intersection with the Rocky Mountains; thence southward along the crest of the Rocky Mountains to the thirty-fourth degree of longitude west of Washington; thence south along that degree of longitude to the forty-second degree of north latitude; thence west along that parallel to the eastern boundary of the state of Oregon; thence north along that boundary to the place of beginning.

ARTICLE XVII

CHANGES IN THE CONSTITUTION

Sec. 1. **Constitution changes proposed by the legislature.** The legislature, two-thirds of the members of each house concurring, may propose a new Constitution, or a revision of, or amendments to, the Constitution; and in the same manner, may amend or withdraw its proposal.

Sec. 2. **Constitutional convention or Constitution Revision Commission submission.**

(a) The legislature, two-thirds of the members of each house concurring, may submit at a general election the question of whether to call a convention to propose a new Constitution or a revision of, or amendments to, the Constitution. If a majority of those voting on that question vote yes, the legislature shall provide for the convention .

(b) The convention, by a majority of those voting, may submit a new Constitution, or a revision of, or amendments to, the Constitution, to the voters at a general election.

(c) If any proposed amendment, revision or a new Constitution is submitted to the legislature by a duly authorized Constitution Revision Commission, the legislature, two-thirds of the members of each house concurring, may submit such proposal directly to the voters at a general election.

Sec. 3. **Vote of people required.** No proposal for a new Constitution or for a revision of, or amendment to, the Constitution, whether made by the legislature or by a constitutional convention, shall have any validity until the qualified electors of the state approve such proposal by a majority of those voting on it.

Sec. 4. **Publication.** All proposals for a new Constitution or for a revision of, or amendment to, the Constitution must be published as prescribed by law before being submitted to the voters.

Sec. 5. **Procedure for voting.**

(a) Proposals by the legislature for a new Constitution or for a revision of, or amendment to, the Constitution shall be voted on by the people as one or more questions as the legislature shall decide.

(b) Proposals by a constitutional convention for a new Constitution or for a revision of, or amendment to, the Constitution shall be voted on by the people as one or more questions as the convention shall decide.

ARTICLE XVIII

SCHEDULE AND ORDINANCE

Sec. 1. **Effective date of this Constitution.**—Except as herein otherwise expressly provided, this Constitution shall be in force from and including the day two years after the date of its ratification by the people of the state.

Sec. 2. **Rights under article XXI of Constitution of 1890.**

(a) The location of the University of Idaho as established by existing laws is hereby confirmed. All the rights, immunities, privileges, and franchises heretofore granted to the University or to its regents by the Territory of Idaho or by the Constitution of 1890 are hereby continued and confirmed.

(b) All other persons possessing still existent rights and privileges under the Schedule and Ordinance of Article XXI of the Constitution of 1890, including the city of Bellevue, shall continue to possess and enjoy them under the provisions of this Constitution.

(c) All property and institutions of the territory becoming the property of the state upon the adoption of the Constitution of 1890 shall so continue.

(d) The people of the state of Idaho do agree and declare that we forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indians or Indian tribes; and until the title thereto shall have been extinguished by the United States, the same shall be subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States. That no taxes shall be imposed by the state on the lands or property therein belonging to, or which may hereafter be purchased by, the United States, or reserved for its use.

Sec. 3. **Transition of legislature from authority of Constitution of 1890 to that of this Constitution.**

(a) Article III and section 6 (d) of article IV of this Constitution shall take effect and be in force at noon on the first Monday in December following the ratification date, but senators shall not be elected for a four-year term until the first election of the legislature following the ratification date. After that election, the legislature shall determine by lot whether the senators elected from the even-numbered districts or from the odd-numbered districts shall serve for a two-year term.

(b) Legislators first elected after the ratification date shall be elected from the districts existing on the ratification date.

(c) The terms of legislators in office at the ratification date shall terminate at noon two years from the first Monday in December following their election.

Sec. 4. **Transition of executive department from authority of Constitution of 1890 to that of this Constitution.**

(a) The elected officials of the executive department elected on or before the ratification date shall continue in office after the ratification date and complete the term of office for which they were elected, except that such term shall expire at noon four years from the first Monday in December following their election. The governor and lieutenant governor shall be elected jointly commencing with the first election for such offices occurring after the ratification date, and the terms of office of the state officials then elected shall commence at noon on the first Monday of December following their election. Section 2 of article IV of this Constitution shall apply to any such election.

(b) The board of examiners and the land board are abolished two years after the ratification date.

(c) If the legislature two years after the ratification date shall have failed (1) to provide for the performance of duties of offices or agencies hereby abolished, or (2) to create agencies which it is required to do under this Constitution, or (3) to prescribe the functions, powers, and duties of such agencies, or (4) to prescribe the functions, powers, and duties of any agency, board or commission whose powers, duties, or functions are altered by this Constitution, the governor shall, by executive order which shall have the force of statute, provide (1) for the performance of such functions and duties, (2) for the creation of such agencies, and (3) for the powers and duties of such agencies or of any existing board, commission, or agency whose powers, duties, or functions are altered by this Constitution.

(d) All state officers, and all state boards, commissions, and agencies except as they are abolished herein, shall continue to exercise their duties and perform their functions until abolished or until their successors are selected and qualified according to this Constitution or the laws enacted pursuant thereto.

Sec. 5. **Transition of judicial department from authority of Constitution of 1890 to that of this Constitution.**

(a) All cases of original jurisdiction filed in the Supreme Court under the authority of the Constitution of 1890 as amended within two years after the ratification date shall be disposed of by the Supreme Court. The Supreme Court shall not entertain any case of original jurisdiction filed two years after the ratification date unless provided for in this Constitution or by statute passed after the ratification date.

(b) Except as modified in accordance with the provisions of this Constitution, all existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, and appeals in all courts shall continue unaffected.

(c) Article V of this Constitution shall come into effect two years after the ratification date.

(d) District court judges holding office two years after the ratification date shall continue in office until the expiration of the terms for which they were elected or appointed. The term of a justice of the Supreme Court holding office two years after the ratification date shall expire at midnight of the thirty-first day of December following the election hereinafter required unless his retention in office is approved at such election. At the general election immediately prior to the expiration of the term of office to which he was elected or appointed, and every six years thereafter so long as he remains in office, every such justice of the supreme court shall be subject to approval or rejection by the electors of the entire state.

(e) The jurisdiction of courts inferior to the district court shall continue unchanged after the ratification date, and judges of such courts shall continue in office until the expiration of the term for which they were elected or appointed, subject however to the power of the legislature to abolish such courts, modify their jurisdiction, or abolish the offices of their judges.

Sec. 6. **Continuation of political subdivisions and of their officers.** All political subdivisions shall continue in existence after the ratification date unless abolished, merged, consolidated, or otherwise altered pursuant to statute enacted after the ratification date. All officers of such subdivisions securing any office by election or appointment shall continue to exercise the duties thereof according to their respective commissions or appointments until their offices are abolished or their successors qualified according to this Constitution or the laws enacted pursuant thereto.

Sec. 7. **Continuation of statutes.** All laws in force on the effective date of this Constitution in the state of Idaho which are not repugnant to this Constitution shall remain in force until they expire by their own limitation or be altered or repealed by the legislature.

Sec. 8. **Effective date of repeal of Constitution of 1890.** All of the Constitution of 1890 and amendments thereto shall be repealed two years after the ratification date, except :

(a) Article III of the Constitution of 1890 and amendments thereto shall be repealed effective noon of the first Monday in December following the ratification date.

(b) Sections 10 and 11 of article IV of the Constitution of 1890 and amendments thereto shall be repealed effective noon of the first Monday in December following the ratification date.

Sec. 9. **Unrestricted nature of power of legislature.** No inference restricting the power of the legislature shall be drawn from the deletions or omissions from this Constitution of any provisions of the Constitution of 1890 and its amendments. The power of the legislature shall be restricted only by this Constitution and the Constitution of the United States.

CONSTITUTION
OF
MARYLAND

As adopted by the

Constitutional Convention of Maryland

January 10, 1968

CONSTITUTION OF MARYLAND

ADOPTED ON THE TENTH DAY OF JANUARY, NINETEEN HUNDRED AND SIXTY-EIGHT, BY THE CONSTITUTIONAL CONVENTION OF MARYLAND WHICH ASSEMBLED AT THE CITY OF ANNAPOLIS ON THE TWELFTH DAY OF SEPTEMBER, NINETEEN HUNDRED AND SIXTY-SEVEN, AND ADJOURNED ON THE TENTH DAY OF JANUARY, NINETEEN HUNDRED AND SIXTY-EIGHT.

PREAMBLE

We, the people of the State of Maryland, grateful to Almighty God for our civil and religious freedom, recognizing that all political power originates in the people and that all government is instituted to secure their right to life, liberty, and the pursuit of happiness, and acknowledging our duty and responsibility to posterity, do establish and ordain this Constitution.

ARTICLE I. DECLARATION OF RIGHTS

Section 1.01. **Freedom of Expression.**

The people shall have the right peaceably to assemble and to petition the government for a redress of grievances. Freedom of the press and freedom of speech shall not be abridged, each person remaining responsible for abuse of those rights.

Section 1.02. **Freedom of Religion.**

No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof.

Section 1.03. **Due Process and Equal Protection.**

No person shall be deprived of life, liberty, or property without due process of law, nor be denied the equal protection of the laws, nor be subject to discrimination by the State because of race, color, religion, or national origin.

Section 1.04. **Fair Treatment in Investigations.**

No person shall be denied the right to fair and just treatment in any investigation conducted by the State or by any unit of local government, or by any of their departments or agencies.

Section 1.05. **Searches and Seizures.**

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches, seizures, interceptions of their communications, or other invasions of their privacy, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized, or the communications sought to be intercepted.

Section 1.06. **Grand Jury Indictment.**

No person shall be held to answer for a felony unless on indictment of a grand jury, except in cases arising in the militia while in actual service.

Section 1.07. **Rights of Accused.**

A person accused of crime shall have the right to be informed of the nature and cause of the accusation in time to prepare his defense, to have the assistance of counsel for his defense, to be confronted with and to examine under oath or affirmation the witnesses against him, to have compulsory process for obtaining witnesses, and to have a speedy and public trial by an impartial jury of twelve without whose unanimous consent he shall not be adjudged guilty.

Section 1.08. **Removal of Criminal Cases.**

In a case involving a crime punishable by death or life imprisonment, after suggestion in writing under oath by either party that the party cannot have a fair and impartial trial in the county where the case is pending, the court shall order the case removed to another county for trial. Other criminal cases may be

removed only as permitted by the Court of Appeals by rule or by the General Assembly by law.

Section 1.09. **Self-Incrimination.**

No person shall be compelled in any criminal case to be a witness against himself.

Section 1.10. **Double Jeopardy.**

No person shall be twice put in jeopardy of criminal punishment for the same offense.

Section 1.11. **Unusual Punishments.**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. Conviction of crime shall not work corruption of blood or forfeiture of estate.

Section 1.12. **Imprisonment for Debt.**

No person shall be imprisoned for debt, but an obligation for the support of a dependent, or for alimony, created by a valid decree of a court or created by an agreement approved by decree of a court shall not constitute a debt within the meaning of this section.

Section 1.13. **Jury Trial in Civil Cases.**

Every person shall have the right of trial by jury of all issues of fact in civil proceedings at law in the courts of this State where the amount or value in controversy exceeds the minimum that the General Assembly may prescribe by law. The jury shall consist of twelve, except that the General Assembly may provide by law for a jury of not less than six nor more than twelve in the District Court. A unanimous decision of the jury shall be required to constitute its verdict.

Section 1.14. **Habeas Corpus.**

The right to the writ of habeas corpus shall not be suspended.

Section 1.15. **Ex Post Facto Laws.**

No bill of attainder, or ex post facto law, or law impairing the obligation of contracts shall be enacted.

Section 1.16. **Eminent Domain.**

Private property shall not be taken or damaged for public use or purposes without just compensation, except that the allowance of compensation for property damaged but not taken for public use or purposes shall be subject to any reasonable limitations and restrictions that the General Assembly may prescribe by law.

Section 1.17. **Continuity of Government During Emergencies.**

The provisions of this Constitution shall not be suspended, except that the General Assembly by law shall provide for the temporary suspension of specific provisions during an emergency caused by disaster or enemy attack. Any suspension shall be for the period of the emergency only, and only provisions of this Constitution concerning state and local public offices and governmental operations may be suspended.

Section 1.18. **Reserved Rights.**

The enumeration of rights in this Constitution shall not be construed to impair, disparage, or deny others retained by the people.

ARTICLE 2. SUFFRAGE AND ELECTIONS

QUALIFICATIONS FOR VOTING

Section 2.01. **Voters in National, State, and County Elections.**

Every citizen of the United States who has attained the age of nineteen years, and who has been a resident of this State for six months and of the county in which he offers to vote for three months next preceding an election, shall be eligible to vote, and if registered shall be qualified to vote in that county in national, state, and county elections. If any county is divided into dif-

ferent electoral districts or into portions of different electoral districts for the election of any national, state, or county officer, then, to vote for such an officer, a person shall have been a resident of the electoral district for three months next preceding the election. Removal from one electoral district to another electoral district in this State shall not deprive a person of his qualification to vote in the electoral district from which he has removed until three months after his removal.

Section 2.02. **Voters in Presidential Elections.**

For purposes of voting for president and vice president of the United States or for electors for those offices, the General Assembly shall prescribe by law a lesser residence requirement for citizens who have resided in this State for less than six months.

Section 2.03. **Voters in Municipal Elections.**

A municipal corporation may prescribe by law qualifications for voters in its municipal elections, subject to any procedures and standards that the General Assembly may prescribe by law. No municipal corporation may prescribe an age requirement of more than nineteen years or a residence requirement of more than one year.

Section 2.04. **Voters in United States Enclaves.**

A person shall not be deemed ineligible to vote in any election solely by reason of the fact that he resides on land over which the United States has been ceded jurisdiction.

Section 2.05. **Property Qualifications.**

Ownership of an interest in property shall not be required as a condition for voting except to the extent that nonresident property owners may be permitted by law to vote in a municipal election. Ownership of an interest in property shall not be required as a condition for holding any elective or appointive office of this State or of any unit of local government.

Section 2.06. **Disqualifications.**

The General Assembly may prescribe by law disqualifications from voting in any election by reason of mental incompetence or conviction of serious crime, and shall provide by law for the removal of these disqualifications.

CONDUCT OF ELECTIONS

Section 2.07. **Conduct of Elections.**

The General Assembly by law shall define residence, establish a uniform system of permanent registration of voters, provide for the nomination of candidates, regulate the time, place, and manner of elections, provide for the uniform administration of elections, provide for absentee voting, insure secrecy of voting, and protect the integrity of the election process. A municipal corporation may prescribe by law election dates and procedures for the administration and regulation of its municipal elections, subject to any procedures and standards that the General Assembly may prescribe by law. The General Assembly shall provide by law for the supervision and uniform administration of laws enacted by the General Assembly pursuant to this section.

Section 2.08. **General Elections.**

A general election shall be held in every even-numbered year on the first Tuesday after the first Monday in November. State officers shall be elected at the general election in 1970 and every fourth year thereafter, except that judges may be elected in any even-numbered year. County officers shall be elected at the same time as state officers unless otherwise prescribed by the General Assembly by law or by the instrument of government of a county. If members of any public body serve overlapping terms, an election may be held every two years for those members then to be elected.

Section 2.09. **Pluralities.**

The candidates receiving the highest number of votes shall be elected to the offices for which they were candidates.

Section 2.10. **Referendum.**

The people reserve to themselves the power of referendum. Any law enacted by the General Assembly may be petitioned to referendum except laws for legislative apportionment and districting, or congressional districting, or imposing a tax, or making an appropriation for the state government or any public institution.

Section 2.11. **Manner of Referral.**

A law, other than a law applicable in only one county, shall be referred to a vote of the people after a petition has been signed by a number of qualified voters equal to at least five per cent of the total votes cast for governor in the most recent gubernatorial election. Not more than one-half of the required number of signatures shall be those of qualified voters residing in any one county. If the total number of required signatures is filed with the governor within sixty days after the bill becomes law, it shall be submitted to a vote of the people at the next general election held not less than four months after the bill becomes law.

Section 2.12. **Suspension.**

A law enacted by the General Assembly subject to referendum shall be suspendible unless it is passed by the affirmative vote of three-fifths of all the members of each house and contains a section declaring it to be an emergency law and necessary for the immediate preservation of the public health or safety. If one-half the required signatures are filed during the thirty days after a bill becomes law, the law, if suspendible, shall be suspended thereby through the sixtieth day after it became law. If the remaining required signatures are filed by that sixtieth day, the law shall continue to be suspended.

Section 2.13. **Effect of Referendum.**

A referred law shall be repealed thirty days after it has been rejected by a majority of those voting on it if the number voting

on the question is not less than one-fourth the number voting in the election. A suspended law which is not repealed shall take effect thirty days after the referendum or at a later time if prescribed in the law.

Section 2.14. **Laws Applicable in One County.**

The General Assembly shall prescribe by law procedures by which a law enacted by it and applicable in only one county may be petitioned to referendum. The law shall be submitted to a vote of the people of the county after a petition has been signed by a number of qualified voters of the county equal to at least ten per cent of the total votes cast for governor in that county in the most recent gubernatorial election. No law empowering a county to exercise a power or perform a function, nor any law pertaining to appropriations, nor any law granting, limiting, or withdrawing the taxing power of a county shall be subject to referendum pursuant to this section.

ARTICLE 3. LEGISLATIVE BRANCH

Section 3.01. **Legislative Power.**

The legislative power of the State shall be vested in the General Assembly, which shall consist of two houses, the Senate and the House of Delegates.

Section 3.02. **State Capital.**

The capital of the State and the meeting place of the General Assembly shall be at Annapolis.

Section 3.03. **Composition of the General Assembly.**

The number of members of each house of the General Assembly shall be prescribed by law, but the number of delegates shall not exceed one hundred twenty and the number of senators shall be one-third the number of delegates. Only one delegate shall represent a delegate district and only one senator shall represent a senate district. Each senate district shall consist of three whole delegate districts.

Section 3.04. **Legislative Districts.**

The State shall be divided by law into districts for the election of members of the Senate. Each senate district shall be subdivided into three districts for the election of members of the House of Delegates. The population represented by each senator shall be substantially equal, as shall the population represented by each delegate. Each district shall consist of adjoining territory and be compact in form. Due regard shall be given to natural boundaries and the boundaries of political subdivisions. Boundaries of districts shall be redrawn according to these standards prior to the general election in 1982 and in every tenth year thereafter.

Section 3.05. **Redistricting Commission.**

Six months before the first day of the regular session of the General Assembly in the year in which redistricting is to be effective, the presiding officer and the minority leader of each house shall each appoint two persons to a commission on legislative redistricting. The governor shall appoint an additional member who shall serve as chairman of the commission. Any vacancy on the commission shall be filled by the appointing authority. The commission shall adopt a redistricting plan only by a majority vote of all its members. No member of the commission shall hold a popularly elected office in the State.

Section 3.06. **Legislative Redistricting Procedure.**

The commission on legislative redistricting shall submit a plan to the governor, who shall transmit it to the General Assembly by the first day of the regular session in the year in which redistricting is to be effective. If any other plan has not been prescribed by law within seventy days after the transmission of the commission plan to the General Assembly, then the commission plan shall become law. The Court of Appeals shall have original jurisdiction, upon petition of any qualified voter, to review the new redistricting law and the commission plan if it has not

become law. If the Court of Appeals finds a redistricting law enacted by the General Assembly invalid, then the commission plan shall become law. If the Court of Appeals finds the commission plan invalid, then the Court of Appeals shall grant appropriate relief for the conduct of the impending election.

Section 3.07. **Congressional Districts.**

The State shall be divided by law into congressional districts for the election of members of the United States House of Representatives. The difference between the populations of the largest and smallest congressional districts in the State shall not exceed ten per cent of the mean population of all congressional districts. Each congressional district shall consist of adjoining territory and be compact in form. Due regard shall be given to natural boundaries and the boundaries of political subdivisions. Boundaries of congressional districts shall be redrawn according to these standards prior to the general election in 1972 and in every tenth year thereafter.

Section 3.08. **Congressional Redistricting Procedure.**

The commission on legislative redistricting shall submit a congressional redistricting plan to the governor, who shall transmit it to the General Assembly by the first day of the regular session in the year in which congressional redistricting is to be effective. The General Assembly shall enact either the commission plan or a congressional redistricting plan of its own.

MEMBERS OF GENERAL ASSEMBLY

Section 3.09. **Qualifications.**

A senator or a delegate shall be a qualified voter of the State at the time of his election or appointment, shall have been a resident of the State for at least two years immediately preceding his election or appointment, and shall have been a resident of his senate district for at least six months immediately preceding his election or appointment. If any redistricting plan has been adopted within one year before a general election for members of the General Assembly, a candidate for the office of

senator or delegate may also seek election in any new senate district containing fifty per cent or more of the population of the senate district in which he resided prior to redistricting. At the time of his election or appointment a senator shall have attained the age of twenty-five years, and a delegate shall have attained the age of twenty-one years.

Section 3.10. **Election and Term of Office.**

A member of the General Assembly shall be elected by the voters of the district in which he seeks election, to serve for a term beginning at noon on the second Wednesday of December following his election and ending at noon on the second Wednesday of December in the fourth year thereafter.

Section 3.11. **Vacancies.**

A vacancy in the General Assembly shall be filled as prescribed by law. An appointee to fill a vacancy, when succeeding a party member, shall be a member of the same political party as the person last elected to that office. An appointee shall serve only until the next general election held at least ninety days after the vacancy occurs. At that election the remainder of the term shall be filled.

Section 3.12. **Compensation.**

A member of the General Assembly shall receive the salary and allowances prescribed by law. A salary increase enacted during one term of office shall not become effective before the next term. No senator or delegate shall be paid daily living expenses during regular sessions of the General Assembly.

Section 3.13. **Limitation on Appointment.**

No person elected or appointed to the General Assembly shall be appointed, during the term of office for which he was elected or appointed, to any office which has been created, or for which the compensation has been increased, by the General Assembly during that term.

Section 3.14. **Immunity.**

Words used by a member of the General Assembly in any of its proceedings, including the proceedings of any committees and subcommittees, shall be absolutely privileged, and a member shall not be liable therefor in any civil action or criminal prosecution.

GENERAL ASSEMBLY

Section 3.15. **Sessions.**

The General Assembly may provide by law for an organizational session prior to the convening of the regular session. The General Assembly shall convene in regular session on the third Wednesday of January of each year, unless otherwise prescribed by law, and may continue in session for a period not longer than ninety days; provided that by the affirmative vote of a majority of the members of each house a regular session may be extended for a period not longer than thirty days, and that by the affirmative vote of three-fifths of the members of each house a regular session may be extended a second time for a period not longer than thirty days. The governor may convene a special session of the General Assembly at any time and shall convene a special session upon the written request of three-fifths of all the members of each house. The governor may, on extraordinary occasions, convene the Senate by proclamation, stating the purpose for which he has convened it. The presiding officer of the Senate and the presiding officer of the House of Delegates, acting concurrently, may convene a special session of the General Assembly at any time.

Section 3.16. **Organization.**

Each house shall be the judge of the qualifications and selection of its members, as prescribed by this Constitution and the laws of this State. Each house shall elect its officers and determine its rules of procedure, and may permit its committees and subcommittees to meet between sessions of the General Assembly. Each house, by the affirmative vote of a majority of all its members, may compel the attendance and testimony of witnesses and the production of records and papers either before the house as a whole or before any of its committees and subcommittees,

provided that the rights and the records and papers of all witnesses in such cases are protected by law. Each house may punish a member for disorderly or disrespectful behavior, by the affirmative vote of a majority of all its members. Each house may expel a member by the affirmative vote of three-fifths of all its members.

Section 3.17. **Quorum.**

A majority of all the members of a house shall constitute a quorum for the transaction of business in that house, but a smaller number may adjourn from day to day.

Section 3.18. **Journals.**

Each house of the General Assembly shall prescribe by rule for a current daily journal of its proceedings, which shall be open to public inspection at all reasonable times. Each house shall prescribe by rule that the daily journal shall be published as soon as practicable. Each house shall prescribe by rule that all final committee votes on all bills shall be entered, by recorded votes of individual members, in the daily journal of that house. Each house shall prescribe by rule that on final passage of a bill or resolution, including a proposal for a constitutional amendment, the vote cast by each member shall be recorded in the daily journal of that house.

LEGISLATION

Section 3.19. **Form of Laws.**

Every law of this State shall be styled: "Be it enacted by the General Assembly of Maryland." The General Assembly shall enact no law except by bill. The subject of every law shall be described in its title. Every law enacted by the General Assembly, except the budget law and supplementary appropriation laws, shall embrace only one subject. The budget law and all supplementary appropriation laws shall be limited to the subject of budget, appropriations, their purpose or purposes, and the requisite revenue. No law or section of a law shall be revived or amended by reference only to its title or section, nor shall any

law be construed by reason of its title to grant powers or confer rights which are not expressly contained in the body of the act. The General Assembly, in amending any article or section of the code of laws of this State, shall enact the article, section, or law as it would read when amended.

Section 3.20. **Consideration of Bills.**

A bill may originate in either house of the General Assembly and may be amended, passed, or rejected by the other. No vote on final passage of a bill shall be taken until the bill and all amendments to it are in writing. No vote on final passage of a bill shall be taken until the fifth calendar day after its introduction in the house of origin and until the second calendar day after it reaches the second house except upon the affirmative vote of three-fifths of all the members of the house in which the bill is pending or except during the first four days of a special session. The General Assembly may provide by law that pending bills may be carried over to the next regular session of the same General Assembly.

Section 3.21. **Passage of Bills.**

No bill shall be enacted nor shall a resolution requiring the action of both houses be adopted unless it is passed by the affirmative vote of a majority of all the members of that house. A vote in joint session or in either house on any bill or resolution or for the election or confirmation of any state officer shall be taken only in public session.

Section 3.22. **General Application of Laws.**

The General Assembly shall enact no public laws except general laws which in their terms and effects apply throughout the State. No county shall be exempt from a public general law. The limitation of this section that the General Assembly shall enact only public general laws shall not apply to laws (1) pertaining to appropriations; (2) providing for or regulating the powers of departments, agencies, or instrumentalities of the State which perform a state and not a local function; (3) pertaining to public education; (4) pertaining to multi-county governmental units; (5) providing for the establishment, merger, or dissolution of

counties or for the alteration of their boundaries; (6) granting, limiting, or withdrawing the taxing powers of a county or counties; or (7) empowering a county or counties, subject to any standards that the General Assembly may provide by law, to exercise any power or perform any function denied to other counties. This section shall not be construed to limit any power of the General Assembly, otherwise existing under this Constitution, to enact special laws, except that a special law shall not be enacted for any situation for which an existing general law is applicable.

Section 3.23. **Effective Date of Laws.**

Each law passed by the General Assembly shall take effect on the first day of July after passage unless another date is prescribed in the law.

POST AUDIT

Section 3.24. **Post Audit.**

The General Assembly shall provide by law for post audit of state finances by an agency of the General Assembly. The principal officer of the agency shall be elected by and be responsible to the General Assembly.

ARTICLE 4. EXECUTIVE BRANCH

Section 4.01. **Executive Power.**

The executive power of the State shall be vested in the governor, who shall faithfully execute the laws.

GOVERNOR AND LIEUTENANT GOVERNOR

Section 4.02. **Qualifications of Governor.**

The governor shall have attained the age of thirty years at the time of his election and shall have been a qualified voter in the State for at least five years immediately preceding his election. No person elected governor for two full consecutive terms

shall be eligible to hold that office again until one full term has intervened.

Section 4.03. **Office of Lieutenant Governor.**

There shall be a lieutenant governor, who shall have only the duties delegated to him by the governor. No power specifically vested in the governor by this Constitution shall be delegated to the lieutenant governor pursuant to this section.

Section 4.04. **Qualifications of Lieutenant Governor.**

The lieutenant governor shall have attained the age of thirty years at the time of his election or appointment and shall have been a qualified voter in the State for at least five years immediately preceding his election or appointment. No person elected governor shall be eligible thereafter to hold the office of lieutenant governor.

Section 4.05. **Election of Governor and Lieutenant Governor.**

The governor shall be elected by the voters of the State for a term beginning on the first Wednesday in January following his election and ending on the first Wednesday in January in the fourth year thereafter, and shall serve until a person has qualified to become governor or to serve as acting governor. If the first Wednesday in January is a legal holiday the term shall begin on the next day. In the general election, each candidate for lieutenant governor shall be listed on the ballot with a candidate for governor, so that a vote cast for governor shall be considered as also cast for the lieutenant governor listed on the ballot with the candidate for governor. The election of a governor shall constitute the election for the same term of the lieutenant governor who was listed on the ballot with him.

GUBERNATORIAL SUCCESSION

Section 4.06. **Failure of Governor-Elect to Take Office.**

If the governor-elect is disqualified, resigns, or dies, the lieutenant governor-elect shall become governor for the full term.

If the governor-elect fails to assume office for any other reason, the newly elected lieutenant governor shall become lieutenant governor and shall serve as acting governor until the governor-elect assumes office or until the office becomes vacant.

Section 4.07. **Lieutenant Governor as Acting Governor.**

The lieutenant governor shall serve as acting governor when notified in writing by the governor that the governor will be temporarily unable to perform the duties of his office. The lieutenant governor also shall serve as acting governor when the governor is disabled but is unable to communicate to the lieutenant governor the fact of his inability to perform the duties of his office. In either event the lieutenant governor shall serve as acting governor until notified in writing by the governor that he is able to resume the duties of his office or until the office becomes vacant.

Section 4.08. **Vacancy by Reason of Disability.**

The General Assembly, by the affirmative vote of three-fifths of all its members in joint session, may adopt a resolution declaring that the governor or lieutenant governor is unable by reason of physical or mental disability to perform the duties of his office. The resolution, if adopted, shall be delivered to the Court of Appeals, which then shall have exclusive jurisdiction to determine whether that officer is unable by reason of the disability to perform the duties of his office. If the Court of Appeals determines that such officer is unable to discharge the duties of his office by reason of a disability, the office shall be vacant. If the General Assembly and the Court of Appeals, acting in the same manner as described above, determine that the governor-elect or lieutenant governor-elect is unable by reason of physical or mental disability to perform the duties of the office to which he has been elected, he shall be disqualified to assume office.

Section 4.09. **Succession to Offices of Governor and Lieutenant Governor.**

When a vacancy occurs in the office of governor, the lieutenant governor shall succeed to that office for the remainder of the

term. When a vacancy occurs in the office of lieutenant governor, the governor shall nominate a person who shall succeed to that office upon confirmation by the affirmative vote of a majority of all members of the General Assembly in joint session. If vacancies in the offices of governor and lieutenant governor exist at the same time during the first year of their term, the offices shall be filled for the remainder of the term at the next general election and the president of the Senate shall serve as acting governor until the newly elected governor has qualified. If vacancies in the offices of governor and lieutenant governor exist at the same time after the first year of their term, the president of the Senate shall succeed to the office of governor for the remainder of the term. If a vacancy exists in the office of lieutenant governor, at a time when the lieutenant governor is authorized to serve as acting governor, the president of the Senate shall serve as acting governor. If there is a vacancy in the office of the president of the Senate at a time when he is authorized to succeed to the office of governor or is authorized to serve as acting governor, the Senate shall convene and fill the vacancy.

Section 4.10. **Powers and Duties of Successor.**

When the lieutenant governor or the president of the Senate succeeds to the office of governor, he shall have the title, powers, duties, and emoluments of that office; but when the lieutenant governor or the president of the Senate serves as acting governor, he shall have only the powers and duties of that office. When the president of the Senate serves as acting governor, he shall continue to be president of the Senate, but his duties as president shall be performed by such other person as the Senate shall select.

Section 4.11. **Adjudication of Disputes.**

The Court of Appeals shall have original and exclusive jurisdiction to adjudicate disputes or questions arising from the failure of the governor-elect to take office, or the service of the lieutenant governor or president of the Senate as acting governor, or the creation of a vacancy in the office of governor or lieutenant governor by reason of disability, or the succession to the office of governor or lieutenant governor, or the exercise of the powers and duties of a successor to the office of governor.

Section 4.12. **Messages to General Assembly.**

The governor from time to time shall inform the General Assembly of the conditions of the State and recommend such measures as he considers necessary or desirable.

Section 4.13. **Veto Power.**

The governor may veto any bill passed by the General Assembly except a budget bill or a bill proposing an amendment to this Constitution.

Section 4.14. **Item Veto.**

The governor may reduce or strike out any item in a supplementary appropriation bill. Each item or portion of an item not disapproved shall become law, and each item or portion of an item disapproved shall be subject to the same procedure as a bill vetoed by the governor.

Section 4.15. **Action on Bills by the Governor.**

A bill subject to veto shall become law if the governor signs or fails to veto it within twenty days after presentation, if the General Assembly is in session. If the General Assembly has adjourned sine die before the bill becomes law, the bill shall become law if the governor signs or fails to veto it within thirty days after presentation.

Section 4.16. **Return of Vetoed Bills.**

If the governor vetoes a bill while the General Assembly is in session, he shall return it promptly to the General Assembly. If the governor vetoes a bill after the General Assembly has adjourned sine die, he shall return it promptly either to the next regular session of the same General Assembly or to a special session of the same General Assembly convened for the purpose of reconsidering bills that have been vetoed. A bill shall become law

if passed over the veto by the affirmative vote of three-fifths of all the members of each house. The law shall take effect on the first day of July after passage, unless another effective date after passage is established by joint resolution of the General Assembly.

ATTORNEY GENERAL

Section 4.17. **Office of Attorney General.**

The attorney general shall be the chief legal officer of the State. He shall represent the State in all criminal cases in the Court of Appeals, the Intermediate Appellate Court, and the courts of the United States, and shall represent the State in all civil cases or proceedings in which the State is a party or may be interested. He shall have those other powers and duties with respect to criminal and civil cases or proceedings, and with respect to his responsibilities as chief legal officer of the State, that the General Assembly may prescribe by law. Upon request, he shall give his opinion on any legal matter to either house of the General Assembly or to its presiding officer, or to the governor, or to any other officer, agency, or department of the State. The attorney general may appoint, to serve at his pleasure, the number of deputies or assistants that the General Assembly may prescribe by law.

Section 4.18. **Qualifications.**

The attorney general shall have been a qualified voter in the State and have been authorized to practice law in the State for at least five years immediately preceding his election or appointment.

Section 4.19. **Election.**

The attorney general shall be elected by the voters of the State for a term beginning on the first Wednesday in January following his election and ending on the first Wednesday in January in the fourth year thereafter, and shall serve until his successor has qualified. If the first Wednesday in January is a legal holiday the term shall begin on the next day. If the office becomes vacant the governor shall appoint, with the advice and consent of the Senate, a person to the office for the remainder of the term.

COMPTROLLER

Section 4.20. **Office of Comptroller.**

The comptroller shall grant, under regulations prescribed by the General Assembly by law, all warrants for money to be paid out of the treasury of the State pursuant to appropriations by law. He shall also perform other duties relating to the payment of money of the State as prescribed by law. The comptroller shall not be the head of the finance department or of any other principal department of the executive branch. The comptroller shall give such bond for the faithful performance of his duties as may be prescribed by law.

Section 4.21. **Qualifications.**

The comptroller shall have attained the age of thirty years at the time of his election or appointment and shall have been a qualified voter in the State for at least five years immediately preceding his election or appointment.

Section 4.22. **Election.**

The comptroller shall be elected by the voters of the State for a term beginning on the first Wednesday in January following his election and ending on the first Wedesday in January in the fourth year thereafter, and shall serve until his successor has qualified. If the first Wednesday in January is a legal holiday the term shall begin on the next day. If the office becomes vacant the governor shall appoint, with the advice and consent of the Senate, a person to the office for the remainder of the term.

TIE VOTES AND SALARIES

Section 4.23. **Tie Votes.**

If at any general election two or more candidates for governor, for attorney general, or for comptroller shall have the highest and an equal number of votes for the same office, one of them shall be elected to that office by the affirmative vote of a majority

of all members of the General Assembly in joint session. The election shall be the first order of business after the organization of each house. The election of a governor shall constitute the election for the same term of the lieutenant governor who was listed on the ballot with him at the general election.

Section 4.24. **Salaries.**

The salary of the governor, of the lieutenant governor, of the attorney general, and of the comptroller shall be prescribed by law, and shall neither be increased nor decreased during the term for which each was elected.

ADMINISTRATIVE ORGANIZATION

Section 4.25. **Board of Review.**

There shall be a Board of Review in the executive branch. The Board shall consist of the governor, an officer in the executive branch designated by the governor, and the comptroller. The Board shall act by majority vote and shall hold its meetings in public or otherwise act in such manner and have such powers as the General Assembly may prescribe by law.

Section 4.26. **Structure of the Executive Branch.**

All functions, powers, and duties of the offices, agencies, and instrumentalities of the executive branch shall be allocated according to major purposes among and within not more than twenty principal departments. The maximum number of principal departments may be increased by the General Assembly by law enacted by the affirmative vote of three-fifths of all members of each house. Any agency or commission which is a regulatory, quasi-judicial, or temporary agency established by law may, but need not, be allocated within a principal department.

Section 4.27. **Reorganization of the Executive Branch.**

The General Assembly shall prescribe by law the functions, powers, and duties of the offices, agencies, and instrumentalities

of the executive branch. The General Assembly from time to time by law may reallocate offices, agencies, and instrumentalities among principal departments; may increase, modify, diminish, and change their functions, powers, and duties; and may assign new functions, powers, and duties to them. The governor may make changes in the organization of the executive branch, including the establishment or abolition of offices, agencies, instrumentalities, and principal departments, and in the assignment of functions, powers, and duties among the offices, agencies, instrumentalities, and principal departments of the executive branch. Where these changes require the force of law, they shall be set forth in executive orders in statutory form and be submitted to the General Assembly within the first ten days of a regular session. An executive order shall become effective and have the force of law on the date designated in the order unless specifically disapproved, within fifty days after submission, by a resolution of disapproval concurred in by a majority vote of all members of either house of the General Assembly.

Section 4.28. **Heads of Principal Departments.**

The head of each principal department of the executive branch shall be a single executive unless otherwise prescribed by the General Assembly by law or by the process of executive reorganization. Any board or commission at the head of a principal department shall have a chief administrative officer.

Section 4.29. **Appointments by Governor.**

The governor shall appoint, with the advice and consent of the Senate, each person serving as the head of each principal department and persons to fill vacancies on any board or commission serving as the head of a principal department, and shall also, with the advice and consent of the Senate, appoint persons to fill vacancies on regulatory and quasi-judicial agencies. He shall appoint, without the advice and consent of the Senate, each chief administrative officer serving under a board or commission which is the head of a principal department except the head or chief administrative officer of an institution of higher education or of the state public school system. The General Assembly may

prescribe by law the qualifications of persons appointed by the governor to serve as heads of principal departments or as members of boards and commissions serving as heads of principal departments.

Section 4.30. **Terms of Office.**

Each person serving as the head of a principal department, and each chief administrative officer of a board or commission serving as the head of a principal department, except the head or chief administrative officer of an institution of higher education or of the state public school system, shall serve at the pleasure of the governor. The terms of office of the members of each board or commission which serves as the head of a principal department, except the governing board of an institution of higher education or of the state public school system, shall be prescribed by the General Assembly by law or by the process of executive reorganization, so that the governor, immediately upon taking office following his election, may appoint at least one-half of the members of each board and commission.

Section 4.31. **Appointment and Removal of Other Persons.**

All persons in the executive branch whose method of appointment or whose method of removal is not specified in this Constitution shall be appointed or may be removed as the General Assembly may prescribe by law.

Section 4.32. **Interim and Recess Appointments.**

If a vacancy occurs in any office which the governor may fill with the advice and consent of the Senate, he shall appoint a person to the office. If the appointment is made within the first sixty days of a regular session of the General Assembly, the governor shall submit to the Senate the nomination of the appointee, or the nomination of another person in his place. If the appointment is made at any other time, the governor shall submit the nomination to the Senate at the beginning of the next regular session of the General Assembly. Such an appointee shall remain in office until the end of the next regular session of the General Assembly, or

until the expiration of the term of the office to which he was appointed, or until his nomination is rejected by the Senate, whichever shall occur first. No person after being rejected by the Senate shall again be appointed to or nominated for the same office at the same session, unless at the request of the Senate, or be appointed to the same office during the adjournment of the General Assembly.

Section 4.33. **Information from Administrative Officers.**

The governor at any time may require information, in writing or otherwise, from any officer of any department, office, agency, or instrumentality in the executive branch.

CLEMENCY

Section 4.34. **Executive Clemency.**

The governor shall have power to grant reprieves, commutations, and pardons, except in cases of conviction upon impeachment, and to remit fines and forfeitures for offenses against the State. At least annually he shall file with the Court of Appeals a public report of the instances of the exercise of this power.

STATE'S ATTORNEY

Section 4.35. **State's Attorney.**

There shall be a state's attorney in each county or district which may be prescribed by the General Assembly by law. He shall be elected by the voters of the county or district in which he seeks office. The term of office, functions, powers, duties, method of filling vacancies, and all other matters relating to the office shall be prescribed by the General Assembly by law.

ARTICLE 5. JUDICIAL BRANCH

Section 5.01. **Judicial Power.**

The judicial power of the State shall be vested exclusively in a unified judicial system composed of the Court of Appeals, the

Intermediate Appellate Court, the Superior Court, and the District Court.

COURT OF APPEALS

Section 5.02. **Jurisdiction.**

The Court of Appeals shall be the highest court of the State and shall have the appellate jurisdiction prescribed by law and the original jurisdiction prescribed by this Constitution.

Section 5.03. **Rule-Making Power.**

The Court of Appeals shall have power to prescribe rules governing practice and procedure in all courts; governing the admission of persons to practice law in this State and their discipline; and governing the administration of the courts, officers of the judicial branch, and officers of the executive branch to the extent that their duties directly relate to the enforcement of judicial orders. The General Assembly shall have concurrent power to regulate by law the matters enumerated in this section, except when these matters are specifically required by this Constitution to be prescribed by rule. As used in this article, rule shall mean a rule prescribed by the Court of Appeals. In the event of a conflict between a rule and a law, the later in time shall prevail to the extent of the conflict.

Section 5.04. **Composition.**

The Court of Appeals shall consist of seven judges, one of whom shall serve as chief judge. Five judges shall constitute a quorum, and the concurrence of four shall be necessary to decide a case.

Section 5.05. **Chief Judge of Court of Appeals.**

The governor shall fill a vacancy in the office of chief judge of the Court of Appeals by designating one of the judges of the Court of Appeals to be chief judge for the remainder of his service on the Court, or until he resigns the office of chief judge. The associate judge senior in service on the Court of Appeals shall have the powers and duties of the office when the chief

judge is absent, or when the Court of Appeals determines that he is unable to serve, or when the office is vacant.

INTERMEDIATE APPELLATE COURT

Section 5.06. **Jurisdiction.**

The Intermediate Appellate Court shall have the jurisdiction prescribed by law.

Section 5.07. **Composition.**

The Intermediate Appellate Court shall consist of five judges, unless the number is increased by law. The Intermediate Appellate Court may sit in divisions. At least three judges shall sit in each case.

SUPERIOR COURT

Section 5.08. **Jurisdiction.**

The Superior Court shall have original jurisdiction in all judicial proceedings, except as otherwise prescribed by this Constitution or by law. The Superior Court shall have such other jurisdiction as prescribed by law. Jurisdiction of the Superior Court shall be uniform throughout the State.

Section 5.09. **Composition.**

The Superior Court shall consist of the number of judges prescribed by law. The number shall be allocated among the counties by law. At least one superior court judge shall reside in each county. Functional divisions of the Superior Court may be established in any county.

DISTRICT COURT

Section 5.10. **Jurisdiction.**

The District Court shall have the original jurisdiction prescribed by law. Jurisdiction of the District Court shall be uniform throughout the State.

Section 5.11. **Composition.**

The District Court shall consist of the number of judges prescribed by law. The State shall be divided by law into districts. Each district shall consist of one county or two or more entire and adjoining counties. The number of judges shall be allocated among the districts by law. At least one district court judge shall reside in each county. Functional divisions of the District Court may be established in any district.

Section 5.12. **Commissioners.**

There may be district court commissioners in the number and with the qualifications prescribed by rule. Commissioners in a district shall be appointed by and serve at the pleasure of that judge of the District Court who shall be designated by rule to appoint commissioners therein. Commissioners may exercise powers only with respect to warrants of arrest, or bail or collateral or other terms of pre-trial release pending hearing, or incarceration pending hearing, and then only as prescribed by rule.

SELECTION AND TENURE OF JUDGES

Section 5.13. **Judicial Circuits.**

The State shall be divided by law into circuits of the Court of Appeals and into circuits of the Intermediate Appellate Court.

Section 5.14. **Eligibility for Nomination and Appointment.**

A judge shall have been a citizen of the State and shall have been authorized to practice law in the State for at least five years immediately preceding his nomination. A nominee for judge of the Court of Appeals or of the Intermediate Appellate Court shall be a resident of the circuit where that court vacancy exists. A nominee for judge of the Superior Court shall be a resident of the county where the vacancy exists. A nominee for judge of the District Court shall be a resident of the district where the vacancy exists.

Section 5.15. **Nomination and Appointment.**

A judicial nominating commission shall nominate from three to five eligible persons for each judicial vacancy. Nominations to fill a vacancy shall be made not more than thirty days prior to nor more than sixty days after the vacancy occurs. The governor shall fill a vacancy by appointing one person from the list of nominees. If the governor fails to appoint one of the nominees within sixty days after receiving the list, his power to make the appointment shall end and the chief judge of the Court of Appeals shall appoint one of the nominees.

Section 5.16. **Appellate Courts Nominating Commission.**

The Appellate Courts Nominating Commission shall make nominations to fill a vacancy on the Court of Appeals or on the Intermediate Appellate Court. The Commission shall consist of six lay members and six lawyer members. The term of each member shall be four years, but the General Assembly shall prescribe by law shorter terms for four of the lay and four of the lawyer members first appointed or elected, in order to establish overlapping terms of office. A vacancy on the Commission shall be filled for the remainder of the term. No member shall receive compensation for his service.

Section 5.17. **Trial Courts Nominating Commissions.**

A trial courts nominating commission shall make nominations to fill a vacancy on the Superior Court or on the District Court. The number of commissions and the terms of their members shall be prescribed by law. Each commission shall have at least six members and shall consist of an equal number of lay and lawyer members as prescribed by law. No member shall receive compensation for his service. Each commission shall make nominations to fill vacancies on the Superior Court in one or more counties, or on the District Court in one or more districts, or both, as prescribed by law.

Section 5.18. **Lawyer Members of Nominating Commissions.**

Lawyers throughout the State shall elect by secret ballot the lawyer members of the Appellate Courts Nominating Commission.

Lawyers of the area for which each trial courts nominating commission is established shall elect by secret ballot the lawyer members of each commission. Election procedure and eligibility of lawyer members of nominating commissions and of their electors shall be prescribed by law.

Section 5.19. **Lay Members of Nominating Commissions.**

The governor shall appoint the lay members of the Appellate Courts Nominating Commission from among the qualified voters of the State. The governor shall appoint the lay members of each trial courts nominating commission from among the qualified voters of the area for which that commission is established.

Section 5.20. **Restrictions on Members of Nominating Commissions.**

During his service on a commission, a member shall not hold any public office of profit or office in a political party. A member shall not be eligible to hold a judicial office for two years immediately following his service on a commission and he shall not be eligible to hold any other public office of profit for one year immediately following his service.

Section 5.21. **Procedures of Nominating Commissions.**

Each nominating commission shall act only upon the concurrence of a majority of its members. Each commission shall elect one of its members as chairman.

Section 5.22. **Judicial Term of Office.**

The continuance in office of each judge shall be subject to approval or rejection at the next general election following the expiration of two years from the date of the occurrence of the vacancy to which he was appointed and at the general election every eight years thereafter. The continuance in office of each judge of the Court of Appeals and of the Intermediate Appellate Court shall be subject to approval or rejection by the voters of the entire State. The continuance in office of each judge of the

Superior Court and of the District Court shall be subject to approval or rejection by the voters of the county or the district in which the office then exists. The Court of Appeals shall prescribe by rule for a poll by secret ballot of the lawyers of the area in which a judge stands for election regarding the desirability of his continuance in office. The Court of Appeals shall prescribe by rule for publication of the results of the poll. If the voters reject the continuance in office of a judge the office shall be vacant.

Section 5.23 **Judicial Retirement.**

Each judge shall retire at the age of seventy. If a majority of the members of the Court of Appeals approve, the chief judge may authorize a retired judge to perform temporarily judicial duties in any court.

Section 5.24. **Judicial Compensation.**

Each judge shall be compensated solely by the State for his judicial service. The compensation of a judge shall not be reduced during his continuance in office. Judges of the same court shall be paid the same compensation, including any pension based upon length of service, except that a uniform reduction in compensation may be made applicable to all judges of the same court appointed after the effective date of the reduction. A pension payable to a retired judge or to his surviving spouse, or to the surviving spouse of a deceased judge, pursuant to provisions in effect during his continuance in office, shall not be reduced.

Section 5.25. **Restriction of Non-Judicial Activities.**

No judge shall practice law, or seek public elective office other than the judicial office he then holds, or contribute to or hold office in a political party or political organization, or participate in a partisan political campaign, or serve as officer, director, or employee of any business formed with the intention of making a profit. No retired judge while practicing law or holding any public office of profit shall be paid any pension for his judicial service.

Section 5.26. **Commission on Judicial Disabilities.**

The Commission on Judicial Disabilities shall consist of one judge of the Intermediate Appellate Court, one judge of the Superior Court, one judge of the District Court, one lay member, and one lawyer member. The Court of Appeals shall appoint the judicial members. The governor shall appoint the lay and lawyer members from among the qualified voters of the State. The term of each member shall be four years, but the General Assembly shall prescribe by law shorter terms for the three judicial members and one of the other members first appointed, in order to establish overlapping terms of office. A vacancy on the Commission shall be filled for the remainder of the term. No member shall receive compensation for his service.

Section 5.27. **Powers of Commission on Judicial Disabilities.**

The Commission on Judicial Disabilities shall have the power to investigate complaints against any judge, to conduct hearings concerning the removal or retirement of a judge, to administer oaths and affirmations, to issue process to compel the attendance of witnesses and the production of evidence, and to require persons to testify and produce evidence by granting them immunity from prosecution or from penalty or forfeiture. The Commission shall have the power to recommend to the Court of Appeals the removal or retirement of a judge. All proceedings, testimony, and evidence before the Commission shall be confidential and privileged, except that the record of any proceeding filed with the Court of Appeals shall lose its confidential character. The Court of Appeals shall prescribe by rule the means to implement and enforce the powers of the Commission.

Section 5.28. **Procedures of Commission on Judicial Disabilities.**

The Commission on Judicial Disabilities shall act only upon the concurrence of a majority of its members. The Commission shall elect one of its members as chairman. Practice and procedure before the Commission shall be prescribed by rule.

Section 5.29. **Removal by Court of Appeals.**

Upon recommendation of the Commission on Judicial Disabilities that a judge be removed from office, the Court of Appeals, after a hearing and upon a finding of misconduct while in office, or of persistent failure to perform the duties of his office, or of conduct prejudicial to the proper administration of justice, may remove the judge from office or may censure him. A judge removed under this section, and his surviving spouse, shall have the rights and privileges accruing from his judicial service only to the extent prescribed by the order of removal. No judge shall sit in judgment in any hearing involving his own removal.

Section 5.30. **Retirement by Court of Appeals.**

Upon recommendation of the Commission on Judicial Disabilities that a judge be retired from office, the Court of Appeals, after hearing and upon a finding of disability which is or is likely to become permanent and which seriously interferes with the performance of his duties, may retire the judge from office. A judge retired under this section shall have the rights and privileges prescribed by law for other retired judges. No judge shall sit in judgment in any hearing involving his own retirement.

ADMINISTRATION

Section 5.31. **Administration of Judicial System.**

The chief judge of the Court of Appeals shall be the administrative head of the judicial system. He shall designate, to serve at his pleasure, one Intermediate Appellate Court judge, one Superior Court judge, and one District Court judge as the chief judge of each court. Each shall perform those duties in the administration of the judicial system that the chief judge of the Court of Appeals shall assign to him. The chief judge of the Court of Appeals may assign administrative duties to other judges in the manner prescribed by rule. Any judge may be assigned to sit temporarily in any court as prescribed by rule.

Section 5.32. **Cost of Judicial Branch.**

The cost of the operation and administration of the judicial branch shall be borne exclusively by the State, and all revenues derived from the operation and administration of the judicial branch shall inure to the State.

Section 5.33. **Clerks of Court.**

The chief judge of each court shall appoint, to serve at his pleasure, a chief clerk of that court. There shall be in each county a clerk of the Superior Court who shall be selected as prescribed by law. There shall be in each county a clerk of the District Court whose appointment and term shall be prescribed by rule.

ARTICLE 6. FINANCE

TAXATION

Section 6.01. **Power to Tax.**

Taxes shall be imposed only for public purposes and only by the elected representatives of the people exercising legislative powers.

Section 6.02. **Local Taxing Power.**

All units of local government shall retain, unless withdrawn by the General Assembly by law, those taxing powers that they have at the effective date of this Constitution. Taxing powers may be granted or withdrawn by the General Assembly by law applicable to all municipal corporations or by law applicable to one or more of the other popularly elected representative local governments.

Section 6.03. **Assessments.**

Assessments with respect to any tax shall be made pursuant to uniform rules and pursuant to classifications of property, taxpayers, and events prescribed by law, which classes shall

include agricultural property as defined by the General Assembly by law.

Section 6.04. **Equalization.**

The State shall prescribe and administer uniform rules and methods for determining property tax assessments. State funds distributed to units of local government on the basis of assessments of property shall be determined by assessments equalized among those units, as prescribed by the General Assembly by law.

Section 6.05. **Exemptions.**

Exemptions with respect to any tax imposed by the State shall be made pursuant to uniform rules within classes of property, taxpayers, or events.

STATE DEBT AND GIFTS

Section 6.06. **State Indebtedness.**

The State shall have the power to incur indebtedness for any public purpose in the manner and upon the terms and conditions that the General Assembly may prescribe by law. Unless the law authorizing the creation of an obligation includes an irrevocable pledge of the full faith and credit of the State, the obligation shall not be considered an indebtedness of the State and the terms of this section shall not apply. If the law includes such a pledge the obligation shall be secured by the unlimited taxing power of the State and shall be subject to the terms of this section. If at any time the General Assembly shall have failed to appropriate and to make available sufficient funds to provide for the timely payment of the interest and principal then due upon all state indebtedness, it shall be the duty of the comptroller to pay, or to make available for payment, to the holders of such indebtedness from the first revenues thereafter received applicable to the general funds of the State, a sum equal to such interest and principal. All state indebtedness shall mature within fifteen years from the time when such indebtedness is incurred, except that at the time of authorizing the indebtedness the

General Assembly by law may extend the period to not more than twenty-five years by the affirmative vote of three-fifths of all the members of each house.

Section 6.07. **Gift or Loan of Assets or Credit.**

The assets or credit of the State shall not be given or lent to any individual, association, or corporation unless a public purpose will be served thereby and unless authorized by the General Assembly by a law stating the public purpose to be served. A gift of assets may be authorized by a law enacted by the affirmative vote of a majority of all the members of each house, but a law authorizing a gift of credit or a loan of credit or a loan of assets shall require the affirmative vote of three-fifths of all the members of each house.

BUDGET AND APPROPRIATIONS

Section 6.08. **Appropriations.**

The General Assembly shall not appropriate any money from the treasury except by a budget bill or a supplementary appropriation bill.

Section 6.09. **The Budget.**

The governor shall submit a budget for the ensuing fiscal year to the General Assembly on the third Wednesday in January in each year, except that in the year after the election of a new governor, the budget shall be submitted not later than twelve days after the convening of the regular session of the General Assembly. In any year the time may be extended by the General Assembly. The budget shall show the estimated surplus or deficit of revenues at the end of the preceding year and shall contain for the ensuing fiscal year an estimate of revenues, a complete plan of proposed expenditures by program, including all appropriations required by this Constitution or by law, and any additional information prescribed by law, all in such form and detail as the governor shall determine. The total of the proposed

expenditures shall be limited to funds available therefor as shown in the budget.

Section 6.10. **Mandatory Appropriations.**

The estimates of appropriations for the legislative branch certified by the presiding officer of each house, and for the judicial branch certified by the judge designated by the chief judge of the Court of Appeals to certify the judicial branch budget, shall be transmitted to the governor in the form and at the time that he shall direct. To the extent that appropriations for the legislative and judicial branches and for state support of public school systems are required by law, the estimates therefor shall be included in the budget without revision.

Section 6.11. **Presentation of Budget Bill.**

At the time the governor submits the budget to the General Assembly, he shall deliver to the presiding officer of each house a budget bill for all the proposed appropriations of the budget, classified and in the form and detail that he shall determine or that the General Assembly may prescribe by law. Each presiding officer shall promptly cause the budget bill to be introduced. Before final action on the budget bill by the General Assembly, the governor may amend or supplement the bill to correct an oversight, to appropriate funds contingent on passage of pending legislation, or to provide for an emergency. An amendment or a supplement shall be delivered to the presiding officer of each house, and it shall become an addition, substitute, or modification of the budget bill or any item thereof. Each amendment or supplement shall be accompanied by a statement by the governor explaining the reasons therefor.

Section 6.12. **Amendment of Budget Bill.**

The General Assembly may amend the budget bill by increasing any item relating to the legislative or judicial branches, or by reducing or striking out any item except the appropriation of sufficient funds to provide for the timely payment of interest upon and installments of principal of all state indebtedness and

the appropriations required by law for state support of public school systems. The General Assembly may not amend the budget bill in any other manner, or change the estimate of revenues, or decrease the compensation of a public officer during his term of office.

Section 6.13. **Enactment of Budget Bill.**

The budget bill shall become law when passed by both houses of the General Assembly and shall not be subject to veto by the governor. If the budget bill shall not have been finally enacted by the General Assembly by the eightieth day of its regular session, the governor shall issue a proclamation extending the session until the enactment of the budget bill and ten days thereafter. After the proclamation no other legislation, except provision for the cost of the extended session, shall be finally passed by the General Assembly until the budget bill has been enacted.

Section 6.14. **Testimony on Budget Bill.**

Either house of the General Assembly may require any person in any branch or agency of the state government, other than the governor, to appear and testify with respect to the budget bill or a supplementary appropriation bill. The governor or a person designated by him shall have the right to appear and testify with respect to these bills.

Section 6.15. **Supplementary Appropriations.**

Any other appropriation shall be embodied in a supplementary appropriation bill, the purpose or purposes of which shall be clearly defined therein. In a regular session a supplementary appropriation bill may be passed by either house, but shall not be finally passed by both houses until the budget bill has been enacted. In a special session a supplementary appropriation bill may be considered and enacted at any time. Except with regard to capital projects submitted by the governor, a supplementary appropriation bill shall provide the revenue necessary to pay the appropriation by a tax, direct or indirect, to be levied and collected as prescribed therein.

Section 6.16. **Capital Expenditures.**

Appropriations for capital projects to be financed by the creation of indebtedness of the State shall be embodied in a supplementary appropriation bill which shall contain an irrevocable pledge of the full faith and credit and unlimited taxing power of the State. Any such appropriation that is in addition to or exceeds the capital appropriations submitted to the General Assembly by the governor shall provide for a tax, direct or indirect, sufficient to pay the debt service required thereby, to be levied and collected as prescribed in the supplementary appropriation bill.

LOTTERY

Section 6.17. **Lottery.**

Neither the State nor any unit of local government shall operate or authorize a lottery for the purpose of financing any expenses of government.

ARTICLE 7. LOCAL GOVERNMENT

COUNTIES

Section 7.01. **Establishment of Counties.**

County shall mean Baltimore City, each of the twenty-three existing counties, and other counties established pursuant to this Constitution. The General Assembly may provide by law for the establishment, merger, or dissolution of counties, or for the alteration of their boundaries. No such law shall become effective until submitted to the voters of each county affected and approved by a majority of those voting on the question in each county affected.

Section 7.02. **Structure of County Governments.**

Each county shall have a written instrument of government which establishes its governmental structure. An instrument of government shall be submitted to the voters of the county and

shall be adopted only if approved by a majority of those voting on the proposal.

Section 7.03. **Change of Structure of County Governments.**

An amendment to an instrument of government may be proposed to the voters of a county by its governing body or by petition of the voters in the county as prescribed in the instrument of government. An amendment also may be proposed by other means prescribed either in the instrument of government or by the General Assembly by law. An amendment shall be adopted only if approved by a majority of those voting on the proposal.

Section 7.04. **Powers of Counties.**

A county may exercise any power, other than the judicial power, or perform any function unless that power or function has been denied to the county by the Constitution or by its instrument of government, or has been transferred exclusively to another governmental unit, or has been denied to the county by the General Assembly by law. A county may exercise only those taxing powers granted to it by the General Assembly by law but shall retain taxing powers granted to it prior to the effective date of this Constitution, unless any of those powers are subsequently denied to it by law.

MUNICIPAL CORPORATIONS AND INTRACOUNTY GOVERNMENTAL UNITS

Section 7.05. **Existing Municipal Corporations.**

Municipal corporation shall mean an incorporated city, town, or village, but shall not include Baltimore City or any other county. Municipal corporations existing at the effective date of this Constitution may not be merged or dissolved or have their boundaries altered or have their existing powers withdrawn, without the consent of the governing bodies of the county and the municipal corporations affected, or except as the General Assembly may prescribe by law.

Section 7.06. **New Municipal Corporations and Intracounty Governmental Units.**

A county may provide by law for the creation of new municipal corporations and other units of local government comprising a part of the area of the county and by law may grant to and withdraw from them any and all powers of the county, subject to any procedures and standards that the General Assembly may prescribe by law.

Section 7.07. **Additional Powers of Municipal Corporations.**

The General Assembly by law or a county by law may grant additional powers to municipal corporations, and the granting authority may withdraw such powers.

MULTI-COUNTY GOVERNMENTS

Section 7.08. **Establishment of Multi-County Governmental Units.**

Multi-county governmental units, including intergovernmental authorities and popularly elected representative regional governments, shall consist of all or part of two or more counties. The General Assembly may provide by law for the establishment, merger, or dissolution of multi-county governmental units, or for the alteration of their boundaries, or for the powers they may exercise. The General Assembly may provide for referenda on any of these laws pertaining to a popularly elected representative regional government.

Section 7.09. **Financing of Intergovernmental Authorities.**

The General Assembly by law or a popularly elected representative local government by law may grant to an intergovernmental authority the power to impose and to collect service or benefit charges, to borrow money, and to collect taxes imposed by the General Assembly or by the popularly elected representative local government, but may not grant the power to impose taxes.

CREDIT LIMITATIONS

Section 7.10. **Credit Limitations of Local Governments.**

The assets or credit of a unit of local government may be given or lent to any individual, association, or corporation only if a public purpose will be served thereby, and then subject to any other restrictions prescribed by law. The act of the governing body making the gift or loan shall state the public purpose to be served, and no gift of credit or loan of credit or loan of assets shall be made without the consent of three-fifths of the members of the governing body.

ARTICLE 8. EDUCATION

Section 8.01. **Public Education.**

The General Assembly by law shall provide for a statewide system of free public schools. The system shall be headed by a governing board whose members shall be appointed by the governor. The General Assembly by law shall provide also for such other public educational institutions and services as may be necessary or desirable for the intellectual, cultural, and occupational development of the people of this State.

Section 8.02. **Public Higher Education.**

The governing boards prescribed by the General Assembly by law for the University of Maryland, the state colleges, and all other state institutions of higher education, including community colleges, shall formulate policies for their respective institutions and shall have general supervision over them in all academic matters. These boards may be granted by the General Assembly by law such additional powers of supervision, direction, and control of their respective institutions and over the expenditure of their funds as the General Assembly may deem to be appropriate.

ARTICLE 9. GENERAL PROVISIONS

Section 9.01. **Oath.**

Every person elected or appointed to any office of profit or trust under the Constitution or laws of this State, before he enters upon the duties of such office, shall take and subscribe to the following oath or affirmation, the parenthetical language being optional: "(In the presence of Almighty God) I, ..., do swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice execute the office of ....., according to the Constitution and laws of this State." No other oath or affirmation shall be required. Should any person elected or appointed to an office of profit or trust refuse or neglect to take the oath or affirmation, then such office shall be vacant, and shall be filled as prescribed by this Constitution or by law.

Section 9.02. **Conflict of Interest.**

The General Assembly shall prescribe by law a code of ethics, and provide for the regulation of conflicts of interest, for all elected state officers.

Section 9.03. **Limitation on Holding Office.**

No person shall hold at the same time more than one office of profit created by this Constitution or the laws of this State, except as may be prescribed by law.

Section 9.04. **Impeachment.**

The House of Delegates shall have the sole power of impeachment of elected state officers, judges, and any other state officers who may be designated by the General Assembly by law, in cases of serious crimes or serious misconduct in office. The affirmative vote of three-fifths of all the members of the House of Delegates

shall be required to impeach. Impeachments shall be tried by a special tribunal of ten judges appointed by the Court of Appeals from among the judges of the State. The concurrence of three-fifths of the judges of the special tribunal shall be required to convict. Judgment upon conviction shall be removal from office and may include disqualification from holding any office of public trust, and deprivation of pension rights and other privileges of office. A person tried upon impeachment, whether or not convicted, nevertheless may be subject to criminal prosecution and punishment according to law.

Section 9.05. **Militia.**

The General Assembly may provide by law for a militia. The governor shall be its commander in chief and shall appoint its officers. The governor may order the militia into active service to repel invasions, to suppress insurrections, to enforce the execution of the laws, and to provide assistance when great destruction of life or property may be threatened or may have occurred. The military authority of the State shall be and remain subject to civil control in the person of the governor at all times. Only a member of the militia may be subject to a military trial and then only for offenses committed while in actual service.

Section 9.06. **Natural Resources.**

The General Assembly shall provide by law for the conservation, enhancement, improvement, and protection of the natural environment, natural resources, and natural beauty of the State.

Section 9.07. **Consumer Protection.**

The General Assembly shall provide by law for the protection and education of the citizens of the State against harmful and unfair business practices.

Section 9.08. **Sovereign Immunity.**

Sovereign immunity may not be pleaded as a defense in a suit against the State or any unit of local government, or any of

their departments or agencies, except to the extent and in the manner prescribed by law.

Section 9.09. **Intergovernmental Cooperation.**

The State or any unit of local government, except as limited by any law, may cooperate or agree with one or more other governmental unit or units, whether within or without the boundaries of the State, including the federal and state governments, for the exercise of any of its powers and functions.

Section 9.10. **Corporation Charters.**

Corporations may be formed under general laws, but shall not be created by special act, except in cases where no general laws exist providing for the creation of corporations of the same general character as the corporation proposed to be created; and any act of incorporation passed in violation of this section shall be void. All charters granted, or adopted, in pursuance of this section, and all charters heretofore granted and created subject to repeal or modification may be altered, from time to time, or be repealed; provided nothing herein contained shall be construed to extend to banks or the incorporation thereof. The General Assembly shall not alter or amend the charter of any corporation existing on December 3, 1891, or pass any other general or special law for the benefit of such corporation except upon the condition that such corporation shall surrender all claim to exemption from taxation or from the repeal or modification of its charter, and that such corporation shall thereafter hold its charter subject to the provisions of this Constitution; and any corporation chartered by this State which shall accept, use, enjoy, or in any wise avail itself of any rights, privileges, or advantages granted or conferred by any general or special act, shall be conclusively presumed to have thereby surrendered any exemption from taxation to which it may be entitled under its charter and shall be thereafter subject to taxation as if no such exemption has been granted by its charter except to the extent that application of this section may be prohibited by Article I, Section 10, of the Constitution of the United States.

ARTICLE 10. EFFECT AND AMENDMENT OF CONSTITUTION

Section 10.01. **Effective Date of Constitution.**

This Constitution shall become effective, and the Constitution of 1867 as amended shall cease to be effective, on July 1, 1968, except as otherwise specifically provided in the Schedule of Transitional Provisions attached to this Constitution.

Section 10.02. **Effect of Constitution on Existing Law.**

All legislation, including local legislation, and all other law, including common law, in force on June 30, 1968, insofar as it is not in conflict with this Constitution, shall continue in force until it expires by its own limitation or is lawfully changed. A law in effect on June 30, 1968, shall not be deemed in conflict with this Constitution solely because it was enacted pursuant to authority granted by a provision of the Constitution of 1867 as amended. All existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, property titles, and rights shall continue unaffected except as modified by law or in accordance with the provisions of this Constitution.

Section 10.03. **Constitutional Amendment.**

An amendment to this Constitution may be proposed either by the affirmative vote of three-fifths of all the members of each house of the General Assembly or by the affirmative vote of a majority of all the members of a constitutional convention. Any proposed amendment shall be submitted to the voters of the State at a special or general election as determined by the General Assembly or by the convention, whichever proposes the amendment. Notice of the election shall be given as the General Assembly shall prescribe by law. Unless otherwise provided, the

amendment shall become effective thirty days after approval by the vote of a majority of those voting on the amendment.

Section 10.04. Constitutional Convention.

The General Assembly by law may call a constitutional convention at any time or may submit the question of calling a constitutional convention to the voters of the State at any time. If a constitutional convention shall not have been called or if the question of calling a convention shall not have been submitted to the voters of the State for a period of twenty years, then the question shall be submitted at the next general election. A convention shall be held within two years after a majority of those voting on the question approve the calling of a convention or within two years after the General Assembly calls a convention. Within sixty days after approval by the voters or within sixty days after the General Assembly calls a convention, the governor shall appoint a commission to prepare for the convention. Not later than the second regular session following the approval, the General Assembly shall prescribe by law the manner for electing delegates, for filling vacancies in the position of delegate, and for assembling the convention, and shall appropriate sufficient funds for the work of the convention. The convention shall adopt its own rules of procedure. Any proposal recommended by the convention for changing the Constitution shall be submitted to the voters of the State for adoption, and shall be effective only if approved by the affirmative vote of a majority of those voting on the proposal.

VOTE ON THE CONSTITUTION

This Constitution, the attached Schedule of Transitional Provisions, and the attached Schedule of Legislation shall be submitted to the qualified voters of the State for ratification or

rejection at the special referendum election to be held on May 14, 1968, in accordance with the procedures prescribed by Chapter 4 of the Acts of the General Assembly of Maryland of 1967. If this Constitution is ratified at such special referendum election, then the attached Schedule of Transitional Provisions is ratified as a part thereof and the attached Schedule of Legislation is adopted also and shall take effect as provided therein.

DONE in Convention at Annapolis, Maryland, this tenth day of January in the year Nineteen Hundred and Sixty-eight.

/s/ H. Vernon Eney
President

Attest:

/s/ Robert J. Martineau
Secretary

SCHEDULE OF TRANSITIONAL PROVISIONS

This schedule is a part of the Constitution, and the provisions contained herein are of the same force and effect as those contained in the numbered articles of this Constitution, but differ only in that their effect is of limited duration and expire in accordance with their own terms. The grouping of sections in this schedule under the titles of the various articles of this Constitution is intended for convenience only and not as a limitation on the applicability of the sections.

GENERAL

Section 1. **Definition.**

In this schedule the words "prior Constitution" mean the Constitution of 1867 as amended.

Section 2. **Incumbents.**

Offices expressly established by the prior Constitution shall exist only insofar as they are provided for in this Constitution or by law not in conflict with this Constitution. Except as otherwise provided in this Constitution, persons holding such offices on June 30, 1968, shall continue in office until the office ceases to exist or until the completion of the term for which they have been elected or appointed, whichever shall first occur. The taking effect of this Constitution, or any provision thereof, shall not of itself affect the tenure, term, status or compensation of any person then holding any other public office, position or employment in this State, except as provided in this Constitution.

DECLARATION OF RIGHTS

Section 3. **Eminent Domain.**

The provisions of section 1.16, insofar as they pertain to

compensation for private property damaged for public use or purposes, shall not be effective until July 1, 1969.

SUFFRAGE AND ELECTIONS

Section 4. **Effect of Certain Sections.**

Sections 2.10 through 2.13 shall be effective as to laws enacted on or after July 1, 1968. Laws enacted prior to July 1, 1968, shall be subject to referendum pursuant to the provisions of the prior Constitution.

Section 5. **Referendum for Public Local Laws.**

A public local law enacted prior to January 6, 1971, for any one county shall be referred only to the people of said county upon a referendum petition of ten per cent of the qualified voters of the county calculated upon the total number of votes cast therein for governor at the last preceding gubernatorial election.

LEGISLATIVE BRANCH

Section 6. **Delayed Effect of Certain Sections.**

Sections 3.03, 3.04 and 3.09 shall become effective on the second Wednesday in December 1970, but candidates standing for election to the General Assembly in the election of November 1970 shall be qualified as required by section 3.09 and shall stand for election in districts selected pursuant to sections 3.03 and 3.04.

Section 7. **Redistricting.**

The redistricting of seats for the Senate and House of Delegates for the election of November 1970 shall be based on those most recent official determinations of state population prescribed by the General Assembly by law. This redistricting shall be accomplished in accordance with sections 3.04, 3.05, and 3.06.

Section 8. **Election of Officers.**

The first general election of governor, lieutenant governor, attorney general, and comptroller under this Constitution shall be on November 3, 1970.

Section 9. **Terms of Office of Incumbents.**

The terms of office of the governor, attorney general, comptroller, and treasurer in office on June 30, 1968, respectively, shall continue until January 6, 1971, and, except in the case of the treasurer, until their respective successors shall have qualified.

Section 10. **Lieutenant Governor.**

The office of lieutenant governor shall remain vacant until January 6, 1971.

Section 11. **Vacancies in the Office of Governor.**

Sections 6 and 7 of article II of the prior Constitution shall continue in effect until January 6, 1971.

Section 12. **Initial Organization.**

The initial allocation of offices, agencies, and instrumentalities, among and within principal departments by law pursuant to section 4.26 of this Constitution, shall be completed by the General Assembly by June 30, 1970. If such allocation is not completed by June 30, 1970, the governor prior to January 6, 1971, shall make the initial allocation by executive order. Such executive order shall have the force of law without being subject to disapproval by the General Assembly.

Section 13. **Board of Public Works.**

The rights, powers, and duties vested in the Board of Public Works by the prior Constitution shall continue to be so vested until January 6, 1971.

Section 14. **Delayed Effect of Certain Sections.**

Section 4.06 through 4.11, section 4.20, and section 4.25 shall become effective January 6, 1971. Sections 4.26 through 4.30 shall become effective upon the completion of the initial allocation of offices, agencies, and instrumentalities, among and within principal departments by law pursuant to section 12 of this schedule.

JUDICIAL BRANCH

Section 15. **Judicial Power.**

Section 5.01 shall not become effective as to the District Court until January 1, 1970. The judicial power vested in the Orphans' Courts as of June 30, 1968, shall continue until January 1, 1971. The judicial power vested in the justices of the peace, People's Courts, Municipal Courts and the Housing Court of Baltimore County as of June 30, 1968, shall continue until January 1, 1970. Each of such justices of the peace and each of such courts other than the Orphans' Courts shall have until January 1, 1970, and the Orphans' Courts shall have until January 1, 1971, the powers and jurisdiction vested in each of them, respectively, on June 30, 1968, subject to such changes as the General Assembly may prescribe by law.

Section 16. **Pending Causes—Appellate Courts and Trial Courts of General Jurisdiction.**

All matters pending on June 30, 1968, in (a) the Court of Appeals, (b) the Court of Special Appeals, and (c) the Circuit Court for any county, the Superior Court of Baltimore City, the Court of Common Pleas, the Baltimore City Court, the Criminal Court of Baltimore, the Circuit Court of Baltimore City, the Circuit Court No. 2 of Baltimore City, and the Supreme Bench of Baltimore City shall be decided or otherwise disposed of, respectively, in (a) the Court of Appeals created by this Constitution, (b) the Intermediate Appellate Court, and (c) the Superior Court in the county in which the matter was pending on June 30, 1968, unless lawfully removed therefrom.

Section 17. **Pending Causes—Courts of Limited Jurisdiction.**

The first sentence of section 5.10, all of section 5.11 and all of section 5.12 shall become effective on January 1, 1970. Any matter pending on December 31, 1969, before a justice of the peace or any People's Court or Municipal Court or in the Housing Court of Baltimore County shall be decided or otherwise disposed of in the District Court in the county in which the matter was pending on December 31, 1969, unless thereafter lawfully removed.

Section 18. **Uniform Jurisdiction.**

The third sentence of section 5.08 and the second sentence of section 5.10 shall become effective January 1, 1971, except as to matters then pending. Until January 1, 1971, the provisions of the second paragraph of article IV, section 20, of the prior Constitution shall remain in effect.

Section 19. **Continuance in Judicial Office.**

Each judge of (a) the Court of Appeals, (b) the Court of Special Appeals, and (c) the first and second judicial circuits, the Circuit Courts for the counties, and the Supreme Bench of Baltimore City, in office on June 30, 1968, shall continue in office as a judge, respectively, of (a) the Court of Appeals created by this Constitution, (b) the Intermediate Appellate Court, and (c) the Superior Court, for the balance of the term for which he was appointed or elected, unless sooner removed, retired or convicted after impeachment pursuant to the provisions of this Constitution.

Section 20. **Continuance in Office—Chief Judges of Appellate Courts.**

The chief judge of the Court of Appeals and the chief judge of the Court of Special Appeals in office on June 30, 1968, shall be the chief judge, respectively, of the Court of Appeals created by this Constitution, and of the Intermediate Appellate Court for the remainder of his service on such court, or until he resigns the office of chief judge.

Section 21. **Continuance in Office—Judges of Orphans' Courts.**

Each judge of an Orphans' Court in office on June 30, 1968, shall continue in office as a judge of such Orphans' Court until January 1, 1971, unless sooner removed or convicted after impeachment pursuant to the provisions of this Constitution.

Section 22. **Continuance in Office—Judges of Courts of Limited Jurisdiction.**

Each full-time judge of the People's Court of Baltimore City, the Municipal Court of Baltimore City, and of the People's Courts of Anne Arundel, Cecil, Montgomery, Prince George's and Wicomico counties who is in office on December 31, 1969, shall continue in office as a judge of the District Court for the balance of the term for which he was appointed or elected, unless previously removed, retired, or convicted after impeachment pursuant to the provisions of this Constitution; provided, however, that the term of any such judge whose term as such would, but for this section, have continued beyond December 31, 1969, but who shall be ineligible for appointment as a judge of the District Court under this Constitution, shall expire on December 31, 1969. Every other justice of the peace designated as trial magistrate or committing magistrate, municipal justice of the peace or magistrate, every other judge of a People's Court and each judge of the Housing Court of Baltimore County who is in office on July 1, 1968, shall continue in office until December 31, 1969, on which latter date his term shall expire.

Section 23. **Judicial Qualifications.**

Except as specifically provided below, until January 1, 1970, section 5.14 shall apply only to judges of the Court of Appeals, the Intermediate Appellate Court, and the Superior Court.

Section 24. **Filling Vacancy in Court of Appeals, Intermediate Appellate Court or Superior Court.**

Sections 5.15 through 5.21 shall become effective on July 1, 1969. Prior to that date, any vacancy in the office of judge of the Court of Appeals, the Intermediate Appellate Court, or the

Superior Court for any reason other than expiration of the term of office, shall be filled by appointment by the governor of a person qualified under section 5.14 of this Constitution to fill such office. Each person so appointed shall be subject to continuance in office by the procedures and for the term prescribed by section 5.22 of this Constitution.

Section 25. **Filling Vacancy in Courts of Limited Jurisdiction.**

Prior to January 1, 1970, any vacancy occurring in the office of judge of the Municipal Court of Baltimore City, the People's Court of Baltimore City, or the People's Court for Anne Arundel, Cecil, Montgomery, Prince George's or Wicomico counties for any reason other than expiration of term shall be filled by the governor by appointment of a person qualified under section 5.14 to fill judicial office, except that he shall be a resident of the county in which the vacancy exists. Each person so appointed shall be subject to continuance in office by the procedures and for the term prescribed by section 5.22 of this Constitution. Prior to January 1, 1970, any vacancy occurring for any reason in the office of judge of any other People's Court, Municipal Court or the Housing Court of Baltimore County, or the office of any substitute or part-time People's Court judge in any county or in the office of justice of the peace shall be filled by the governor by appointment of a person qualified to fill such office under the law creating the office or under section 5.14 of this Constitution. Each such appointment shall be for a term expiring December 31, 1969.

Section 26. **Application of Section 5.22 to Judges Now in Office.**

Every judge of the Court of Appeals, the Intermediate Appellate Court, Superior Court, the Municipal Court of Baltimore City, the People's Court of Baltimore City, the People's Courts of Anne Arundel, Cecil, Montgomery, Prince George's or Wicomico counties whose term expires on or after July 1, 1968, and prior to the general election in November 1968 shall have his term extended until such election. Each judge of those courts who is required to stand for retention in judicial office at that election shall do so pursuant to the provisions of and for the term prescribed by section 5.22 of this Constitution. Any People's or

Municipal Court judge subject to this section shall be subject to approval or rejection by the electorate of the county or Baltimore City in which he would have been required to stand for election under the law in effect on June 30, 1968.

Section 27. **Election of Judges Continued in Office.**

Any judge of any court continued in office pursuant to this schedule shall stand for retention in office at the general election next following the expiration of his term pursuant to and for the term prescribed in section 5.22. The term of any such judge shall be extended until such next general election.

Section 28. **Applicability of Section 5.23.**

Section 5.23 shall not apply to any judge of the Orphans' Court, or of any People's Court, except full-time judges of People's Courts in Baltimore City and Anne Arundel, Cecil, Montgomery, Prince George's and Wicomico counties, and the judges of the Municipal Court of Baltimore City, nor shall it apply to any justice of the peace.

Section 29. **Judicial Compensation.**

(a) Except for its second and last sentences, section 5.24 shall not apply to any judge of any People's Court, the Municipal Court of Baltimore City, the Housing Court of Baltimore County, the Orphans' Court, nor to any justice of the peace; provided, however, that between July 1, 1968, and January 1, 1970, the General Assembly may provide by law for uniform compensation and pension rights for full-time judges of the Municipal Court of Baltimore City and of the People's Courts of Baltimore City and of Anne Arundel, Cecil, Montgomery, Prince George's and Wicomico counties, and their respective spouses.

(b) The initial salary to be paid by the State to a judge of the Court of Appeals shall not be less than the total salary, including any local supplementation, paid on January 1, 1968, to the chief judge of the Court of Appeals established under the prior Constitution.

(c) The initial salary to be paid by the State to a judge of the Intermediate Appellate Court shall not be less than the total salary, including any local supplementation, paid on January 1, 1968, to the chief judge of the Court of Special Appeals.

(d) The initial salary to be paid by the State to a judge of the Superior Court shall not be less than the total salary, including any local supplementation, paid on January 1, 1968, to the chief judge of the Supreme Bench of Baltimore City.

(e) In establishing a uniform scale of judicial salaries and pensions, including those for the District Court, the General Assembly may disregard any local supplementation or local salary or pension authorized after January 1, 1968, and such action shall not be deemed to be a diminution of the salary or pension of any judge.

Section 30. **Restriction of Non-Judicial Activities.**

Section 5.25 shall not apply to judges of the Orphans' Court, justices of the peace or judges of any People's Court, except for full-time judges of the Municipal Court of Baltimore City, of the People's Court of Baltimore City and of the People's Courts of Anne Arundel, Cecil, Montgomery, Prince George's and Wicomico counties. Until January 1, 1970, the provisions of article 33 of the Declaration of Rights of the prior Constitution shall remain in effect as to any judge or justice of the peace not subject to section 5.25.

Section 31. **Commission on Judicial Disabilities.**

The provisions of section 5.26 providing that a judge of the District Court shall be a member of the Commission on Judicial Disabilities shall not become effective until January 1, 1970. Prior to that date, the Court of Appeals shall appoint one of the full-time judges of the Municipal Court of Baltimore City or the People's Court of Baltimore City, or the People's Court of Anne Arundel, Cecil, Montgomery, Prince George's or Wicomico counties as a member of the Commission on Judicial Disabilities. If such member is continued in office on January 1, 1970, as a judge of the District Court and if his term on the Commission on Judicial Disabilities has not expired, he shall remain in office as a member of the Commission on Judicial Disabilities for the

balance of his term. If he shall not be continued in office, or if his term shall have expired on January 1, 1970, the office shall be vacant on that date.

Section 32. **Clerks of Trial Courts.**

The clerk of the Superior Court of Baltimore City and of the Circuit Court for each county in office on June 30, 1968, shall become, respectively, the clerk of the Superior Court in Baltimore City or in that county, as the case may be. The clerks of the Court of Common Pleas, the Baltimore City Court, the Criminal Court of Baltimore, the Circuit Court of Baltimore City, and the Circuit Court No. 2 of Baltimore City in office on June 30, 1968, shall each become a chief deputy clerk of the Superior Court in Baltimore City. Each such Superior Court clerk, and each chief deputy clerk mentioned above, shall hold office for the balance of the term for which he was originally elected, or appointed, subject only to removal pursuant to the provisions of the Constitution or law in effect June 30, 1968. Each full-time clerk of a justice of the peace designated trial magistrate, of a Municipal Court or of a People's Court, and the chief constable of the People's Court of Baltimore City in office on December 31, 1969, shall become a deputy clerk of the District Court.

Section 33. **Registers of Wills.**

The constitutional office of register of wills shall terminate on January 1, 1971. Until that date, the provisions of article IV, section 41, of the prior Constitution shall remain in effect.

Section 34. **Sheriffs.**

The constitutional office of sheriff shall terminate on January 6, 1971. Until that date, the provisions of article IV, section 44, of the prior Constitution shall remain in effect.

Section 35. **Costs of Judicial System.**

Except with respect to judicial compensation and pensions as provided for in section 29 of this schedule and in section 5.24 of

this Constitution, section 5.32 of this Constitution shall not become effective until January 1, 1970.

LOCAL GOVERNMENT

Section 36. **Delayed Effect of Certain Sections.**

The provisions of section 3.22, insofar as they relate to counties; and all of section 7.04, shall not be effective until January 6, 1971, unless simultaneously made effective for all counties by the General Assembly at an earlier date.

Section 37. **Adoption of Instrument of County Government.**

Prior to July 1, 1969, the General Assembly shall prescribe by law a choice of procedures by which an instrument of government of a county may be proposed. The proposed instrument of government shall be submitted to the voters of the county and shall be adopted only if approved by a majority of those voting on the proposal. Prior to July 1, 1970, the General Assembly shall prescribe by law an instrument of government which shall, without further action, become effective on January 6, 1971, for those counties which have failed to adopt by July 1, 1970, an instrument of government effective no later than January 6, 1971. The charter adopted by any county pursuant to the provisions of the prior Constitution shall be without further act the instrument of government for that county; provided that any procedure to obtain a charter or instrument of government commenced pursuant to the prior Constitution must be completed prior to July 1, 1970, and the instrument of government so adopted must be effective no later than January 6, 1971.

Section 38. **Interim Restriction Upon Public Local Law.**

From and after the effective date of the instrument of government of a county, no law applicable only to that county shall be enacted by the General Assembly for that county on any subject covered by the express powers granted to such county by the General Assembly by law. The effect of this section shall terminate on January 6, 1971, or on any earlier date that sections 3.22

and 7.04 shall be made fully effective by the General Assembly by law.

Section 39. **Powers of Baltimore City to Issue Bonds.**

Except as provided in section 41, the powers of Baltimore City to borrow money on the faith and credit of Baltimore City and to issue bonds or other evidences of indebtedness therefor shall be subject only to such limitations and restrictions as to the amount or method of issuance as may be applicable at the time of such issuance to all counties which have adopted an instrument of government, but nothing herein shall authorize Baltimore City to issue any bonds except pursuant to an ordinance submitted to the qualified voters approved by a majority of those voting on the question. The effect of this section shall terminate on the effective date of section 7.04.

FINANCE

Section 40. **Delayed Effect of Certain Sections.**

Sections 6.04, 6.05, 6.06 and 6.16 shall become effective July 1, 1969. Except insofar as section 6.07 is inconsistent with it, article III, section 34, of the prior Constitution shall remain in effect until July 1, 1969.

Section 41. **Law Governing Bonds.**

All bonds and other evidences of indebtedness authorized by the General Assembly or by any local legislative body prior to the effective date of this Constitution shall be governed by the constitutional provisions and laws in effect at the time of authorization.

GENERAL PROVISIONS

Section 42. **Sovereign Immunity.**

Section 9.08 shall not be effective as to causes of action arising prior to January 1, 1970.

SCHEDULE OF LEGISLATION

This schedule takes effect under the authority of Chapter 4, Section 17, of the Acts of 1967, and under the authority of its adoption by the people of Maryland together with the Constitution to which it is attached. Provisions contained in this schedule shall become effective on July 1, 1968, and may be amended or repealed by the General Assembly by law. The grouping of sections of this schedule under titles referring to the numbered articles of the Constitution is intended for convenience and not as a limitation on the applicability of the sections.

Section 1. **Definitions.**

(a) In this schedule the words "prior Constitution" mean the Constitution of 1867 as amended.

(b) In this schedule the word "county" shall be deemed to include Baltimore City.

SUFFRAGE AND ELECTIONS

Section 2. **Petition Requirements.**

A referendum petition may consist of several papers, but each paper shall contain the full text of the act or part of act petitioned upon; and there shall be attached to each such paper an affidavit of the person procuring the signatures thereon that of the said person's own personal knowledge every signature thereon is genuine and bona fide, and that the signers are qualified voters of the State of Maryland, and county, as set opposite their names, and no other verification shall be required.

Section 3. **Interim Provisions for Disqualifications from Voting.**

No person convicted of larceny, or other infamous crime, unless pardoned by the governor, shall be entitled to vote at any election in this State; and no person under guardianship as a lunatic, or,

as a person *non compos mentis*, shall be entitled to vote. The effect of this section shall terminate July 1, 1969.

Section 4. **Procedure for Retention in Office of Judges.**

The procedure for approval or rejection of the continuance in office of a judge required to stand for election under section 5.22 of the Constitution shall be as follows:

(a) Each candidate for continuance in office as judge shall file a certificate of candidacy with the secretary of state. Such certificate shall be filed not less than ninety days prior to the date of the election at which the judge's retention or rejection is to be determined. The filing fee shall be $25.

(b) Not less than sixty days before any such election, the secretary of state shall certify to the boards of supervisors of elections of the county or counties, the voters of which are entitled to vote on the continuance in office of such judge, the name and residence of such judge, and the court in which he seeks to be retained.

(c) Each such board shall include on the ballots prepared by it pursuant to Section 16-4, Art. 33, Annotated Code of Maryland, the following questions with respect to each judicial candidate certified to it by the secretary of state:

Shall Judge (*name of candidate*) be retained in office as a judge of the (*name of court*)? Yes No

(d) No such judge shall be required to run in a primary election nor shall his political affiliation appear on the ballot.

(e) Provisions of the election laws not inconsistent with the aforegoing shall apply to judicial elections.

LEGISLATIVE BRANCH

Section 5. **Salary of Members of the General Assembly.**

Each member of the General Assembly shall receive an annual salary of eight thousand dollars, accounting from July 1, 1968, and payable bi-weekly.

Section 6. **Vacancies Occurring During Present Term of the General Assembly.**

(a) In case of death, disqualification, resignation, refusal to act, expulsion, or removal from the county for which he shall have been elected, of any person who shall have been chosen as a delegate or senator, or in case of a tie vote between two or more such qualified persons, the governor shall appoint a person whose name shall be submitted to him in writing, within thirty days after the occurrence of the vacancy, by the state central committee of the political party with which the delegate or senator, so vacating, had been affiliated in the county or district from which he or she was elected, provided that the appointee shall be of the same political party as the person whose office is to be filled; and it shall be the duty of the governor to make said appointment within fifteen days after the submission thereof to him. If a name is not submitted by the state central committee within thirty days after the occurrence of the vacancy, the governor within another period of fifteen days shall appoint a person, who shall be of the same political party as the person whose office is to be filled, and who is otherwise properly qualified to hold the office of delegate or senator in the district or county. In every case when any person is so appointed by the governor, his appointment shall be deemed to be for the unexpired term of the person whose office has become vacant.

(b) In addition, and in submitting a name to the governor to fill a vacancy in a senatorial district or subdistrict, as the case may be, in any of the counties of Maryland, the state central committee or committees shall follow these provisions:

(1) If the vacancy occurs in a district or subdistrict having the same boundaries as a county, the state central committee of the county shall submit the name of a resident of the district or subdistrict.

(2) If the vacancy occurs in a district or subdistrict which has boundaries comprising a portion of one county, the state central committee of that county shall submit the name of a resident of the district or subdistrict.

(3) If the vacancy occurs in a district or subdistrict which has boundaries comprising a portion or all of two or more counties, the state central committee of each county involved shall have one vote for submitting the name of a resident of the district or subdistrict; and if there is a tie vote between or among the state

central committees, the list of names there proposed shall be submitted to the governor, and he shall make the appointment from the list.

Section 7. **Procedure for Enactment of Law.**

Every bill, when passed by the General Assembly, and sealed with the Great Seal, shall be presented to the governor, who, if he approves it, shall sign the same in the presence of the presiding officers and chief clerks of the Senate and House of Delegates. Every law shall be recorded in the office of the Court of Appeals, and in due time, be printed, published, and certified under the Great Seal to the several courts, in the same manner as has been heretofore usual in this State.

EXECUTIVE BRANCH

Section 8. **Salary of Governor.**

The governor shall receive an annual salary of forty thousand dollars, accounting from July 1, 1968 and payable bi-weekly.

Section 9. **Appointment of Officers by Governor.**

The governor shall nominate, and, by and with the advice and consent of the Senate, appoint all civil and military officers of the State whose appointment or election is not otherwise provided for in the Constitution, unless a different mode of appointment be prescribed by the law creating the office.

Section 10. **Removal of Officers by Governor.**

The governor may suspend or arrest any military officer of the State for disobedience of orders, or other military offense; and may remove him in pursuance of the sentence of a court-martial; and may remove for incompetency or misconduct, all civil officers who received appointment from the executive for a term of years.

Section 11. **Secretary of State.**

The secretary of state shall carefully keep and preserve a record

of all official acts and proceedings, which may at all times be inspected by a committee of either house of the General Assembly; and he shall perform such other duties as may properly belong to his office.

Section 12. **State's Attorneys.**

In the case of a vacancy in the office of state's attorney, or of his removal from the county in which he shall have been elected, the said vacancy shall be filled by the judge or judges of the Superior Court resident in the county in which the vacancy occurs for the residue of the term thus made vacant.

Section 13. **Comptroller and Treasurer.**

Until January 6, 1971, the comptroller and the treasurer shall continue to exercise those rights, powers, and duties pertaining to them, respectively, on June 30, 1968, and not in conflict with the Constitution.

Section 14. **Board of Public Works and Board of Review.**

Upon the termination of the legal existence of the Board of Public Works for which provision is made in article XII of the prior Constitution, all its powers and duties shall be vested in the Board of Review for which provision is made in section 4.25 of this Constitution; and all references to the Board of Public Works in legislation, contracts, or documents shall be deemed to refer to the Board of Review as well as to the Board of Public Works. Prior to termination of the legal existence of the Board of Public Works, it shall continue to exercise those rights, powers, and duties granted to it by article XII of the prior Constitution.

JUDICIAL BRANCH

Section 15. **Courts of Record.**

Each court created by this Constitution shall be a court of record, and shall have a seal.

Section 16. **Statutory References to Courts.**

Except where inconsistent with this Constitution, the Schedule of Transitional Provisions, or this Schedule:

(a) All statutory references to the Court of Appeals shall be deemed to refer to the Court of Appeals established by this Constitution.

(b) All statutory references to the Court of Special Appeals shall be deemed to refer to the Intermediate Appellate Court.

(c) All statutory references to Circuit Courts, courts for any circuit or county (other than People's Courts, Municipal Courts, or the Housing Court of Baltimore County), the Supreme Bench of Baltimore City, the Superior Court of Baltimore City, the Court of Common Pleas; the Baltimore City Court, the Criminal Court of Baltimore, the Circuit Court of Baltimore City or the Circuit Court No. 2 of Baltimore City shall be deemed to refer to the Superior Court in the appropriate county.

Section 17. **Appellate Circuits.**

There shall be six circuits of the Court of Appeals, as follows: The First Appellate Circuit, consisting of Cecil, Kent, Queen Anne's, Caroline, Talbot, Dorchester, Wicomico, Worcester, and Somerset counties; the Second Appellate Circuit, consisting of Baltimore and Harford counties; the Third Appellate Circuit, consisting of Allegany, Frederick, Garrett, Montgomery, and Washington counties; the Fourth Appellate Circuit, consisting of Prince George's, Calvert, Charles, and St. Mary's counties; the Fifth Appellate Circuit, consisting of Anne Arundel, Carroll, and Howard counties; and the Sixth Appellate Circuit, consisting of Baltimore City. One of the judges of the Court of Appeals shall be resident in each of the first five appellate circuits and two judges shall be resident in the Sixth Appellate Circuit.

Section 18. **Judicial Circuits.**

Wherever any statute refers to a judicial circuit, to the courts of such circuit, or to the judges of or in such circuit, it shall be deemed to refer to the Superior Court or the judges of the Superior Court resident in the geographical area prescribed for that circuit by article IV, section 19, of the prior Constitution.

Section 19. **Jurisdiction of Superior Court in Baltimore City.**

The jurisdiction vested in the Superior Court of Baltimore City, the Court of Common Pleas, the Baltimore City Court, the Circuit Court of Baltimore City, and the Criminal Court of Baltimore by article IV, sections 28-29, and 30 of the prior Constitution shall be vested in the Superior Court in Baltimore City.

Section 20. **Duties of Clerk of Superior Court in Baltimore City.**

The duties vested in the various clerks of the courts comprising the Supreme Bench of Baltimore City by sections 37 and 38 of article IV of the prior Constitution shall be vested in the clerk of the Superior Court in Baltimore City.

Section 21. **Judicial Pensions.**

(a) In the case of a judge who in one year had active service as a member of more than one court including a court existing under provisions of the prior Constitution, the amount of pension for that full year shall be calculated yearly at the rate for service in that court for which the higher pension is allowed, but in no event shall the maximum pension exceed that prescribed for judges of the court upon which the judge is serving at death or retirement, nor shall a judge be credited with more than one partial year's service in a single year.

(b) In the case of a judge who has served as a member of more than one court, including a court existing under provisions of the prior Constitution, all such service shall be credited for pension purposes at the rate provided by the law in effect during such service, including any local supplementation or local pension provided prior to January 1, 1968, but in no event shall the maximum pension exceed that prescribed for judges of the court upon which the judge is serving at death or retirement.

(c) Any judge not continued in office as a judge pursuant to the Schedule of Transitional Provisions shall, upon the termination of his office, be entitled to receive a pension in an amount equal to that which he would have been entitled to receive had he attained his sixtieth birthday and retired on the date of abolition of his office. Such pension shall not be payable until the judge reaches his sixtieth birthday.

Section 22. **Pensions of Former Judges.**

In the case of a former judge who is receiving a judicial pension on June 30, 1968, or who would then be receiving such a pension but for the fact that he is then engaged in the private practice of law or is then holding a public office of profit, or in the case of the spouse of such former judge, judicial pension rights shall not be reduced. Such judicial pension rights shall not be increased except by the General Assembly by law effective on or after July 1, 1968. The full amount of any such pension payable to a former judge of the Court of Appeals, the Court of Special Appeals, the Supreme Bench of Baltimore City, or of any Circuit Court, or his spouse, shall be paid by the State on and after July 1, 1968. The full amount of any such pension payable to any other former judge or his spouse shall be paid by the State on and after January 1, 1970.

Section 23. **Terms of Initial Members of Commission on Judicial Disabilities.**

Of the first three judicial members of the Commission on Judicial Disabilities, the Court of Appeals shall designate one to serve for one year, one to serve for two years and one to serve for three years. Of the first non-judicial members of the Commission, the governor shall designate one to serve three years and the other to serve four years.

Section 24. **People's Court of Baltimore City.**

(a) Until January 1, 1970, the People's Court of Baltimore City shall continue in existence subject to the provisions of article IV, section 41-A of the prior Constitution.

(b) Until January 1, 1970, the provisions of article IV, section 41-A of the prior Constitution pertaining to the chief constable, constables, and clerk of said Court shall remain in effect.

(c) Unless sooner modified or repealed by the General Assembly by law the effectiveness of this section shall terminate on January 1, 1970.

Section 25. **Municipal Court of Baltimore City.**

(a) Until January 1, 1970, the Municipal Court of Baltimore City and its jurisdiction, shall continue in existence subject to the provisions of article IV, section 41-C of the prior Constitution.

(b) Until January 1, 1970, the provisions of article IV, section 41-C of the prior Constitution pertaining to the chief clerk of said Court shall remain in effect.

(c) Unless sooner modified or repealed by the General Assembly by law, the effectiveness of this section shall terminate on January 1, 1970.

Section 26. **Court Dockets and Files.**

All papers, dockets, files, books, records, monies, and other property belonging or pertaining to or in (a) the Court of Appeals, (b) the Court of Special Appeals, or (c) the Circuit Court of any county, the Supreme Bench of Baltimore City, the Superior Court of Baltimore City, the Court of Common Pleas, the Baltimore City Court, the Criminal Court of Baltimore, the Circuit Court of Baltimore City and Circuit No. 2 of Baltimore City on June 30, 1968, shall be transferred on July 1, 1968, to, respectively, (a) the Court of Appeals created by this Constitution, (b) the Intermediate Appellate Court, or (c) the Superior Court in the appropriate county.

Section 27. **Vacancy in Orphans' Court.**

In case of a vacancy in the office of judge of the Orphans' Court, the governor shall appoint, subject to confirmation, or rejection by the Senate, some suitable person to fill the same until January 1, 1971.

LOCAL GOVERNMENT

Section 28. **Procedure to Adopt a County Instrument of Government.**

The board of county commissioners of any county may appoint at any time a charter board of not more than nine members, and shall appoint a charter board within thirty days after receipt

of a petition signed by five per cent of the qualified voters of the county or by ten thousand voters, whichever is less. If additional charter board members are nominated by petitions signed by three per cent of the qualified voters of the county or by three thousand voters, whichever is less, which shall be delivered to the board of county commissioners within sixty days after the charter board shall have been appointed, then the board of county commissioners shall call a special election not less than thirty nor more than ninety days after receipt of the petitions unless a regular election falls within the designated period. The appointees of the board of county commissioners and those nominated by petitions shall be placed on the ballot in alphabetical order without party designation. The voters shall be entitled to cast votes for, and elect, a number of nominees equal to the number of charter board members originally selected by the board of county commissioners and those so elected shall constitute the charter board. The charter board shall be responsible for drafting the instrument of government. Such charter board shall, within twelve months from the date of its appointment or in the event of an election within twelve months from the date of that election, present an instrument of government for the county to the board of county commissioners, who shall publish the same in at least two newspapers of general circulation published in the county within thirty days after it shall have been presented. Such instrument of government shall be submitted to the voters of the county at a special or regular election held not earlier than thirty days, nor later than ninety days, after publication of the instrument of government. If a majority of the votes cast for and against the adoption of the instrument of government shall be in favor of adoption, then such instrument of government shall, on the thirtieth day after such election, become effective as the instrument of government of that county, and any laws applying only to that county which are inconsistent with the instrument of government, shall be thereby repealed. Prior to the effective date of section 7.04 of the Constitution, all counties having an instrument of government shall exercise only those express powers prescribed by the General Assembly by law.

The effect of this section shall terminate on July 1, 1970.

Section 29. **Amendment of Instruments of Government.**

An amendment may be proposed and adopted as provided in the county instrument of government; but if the instrument of government does not provide an amendment procedure, amendment to any instrument of government adopted under the provisions of the prior Constitution may be proposed by a resolution of the legislative body of the county; or by a petition signed by not less than 20 per cent of the qualified voters of the county, and filed with the legislative body of the county; provided, however, that in any case 10,000 signatures shall be sufficient to complete a petition. When so proposed, such amendment shall be submitted to the voters at the next regular election occurring after the passage of said resolution or the filing of said petition. If at said election the majority of the votes cast for and against said amendment shall be in favor thereof, said amendment shall be adopted and becomes a part of the instrument of government from and after the thirtieth day after said election. Said amendment shall be published by the legislative body of the county once a week for five successive weeks prior to said election in at least one newspaper published in said county.

Section 30. **County Commissioners.**

There shall be county commissioners for each county not having an instrument of government in effect. Such county commissioners shall continue to exercise their offices in accordance with the provisions of the prior Constitution.

The effect of this section shall terminate on January 6, 1971.

Section 31. **County Surveyors.**

County surveyors in office on June 30, 1968, shall continue in office until the expiration of the term for which they are elected. Such county surveyors shall continue to exercise their offices in accordance with the provisions of the prior Constitution.

Section 32. **County Elections.**

All elections for county offices held in November, 1970, shall be

for those offices provided for by the instrument of government effective or to become effective on January 6, 1971 for that county.

Section 33. **Charter Amendments of Municipal Corporations.**

Any municipal corporation existing on June 30, 1968, shall have the power and authority (a) to amend or repeal an existing charter or local laws relating to the incorporation, organization, government, or affairs of said municipal corporation heretofore enacted by the General Assembly of Maryland, and (b) to adopt a new charter and to amend or repeal any charter consistent with the provisions of this Constitution and any laws of the General Assembly pertaining thereto.

GENERAL PROVISIONS

Section 34. **Style of Commissions and Grants.**

Public commissions and grants shall run thus: "The State of Maryland, etc.," and shall be signed by the governor, with the Seal of the State annexed.

Section 35. **Procedures for Amendment of the Constitution.**

Any bill proposing an amendment to the Constitution shall be published by order of the governor, in at least two newspapers, in each county except Baltimore City, where so many may be published, and where not more than one may be published, then in that newspaper, and in three newspapers published in Baltimore City, once a week for four weeks immediately preceding the special or general election, at which the proposed amendment shall be submitted to the qualified voters of the State for adoption or rejection.

Section 36. **Exception to Limitation for Notaries Public.**

A person may hold office as notary public at the same time that he holds another office of profit created by the Constitution or laws of this State.

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CHAPTER III

RECENT CONSTITUTIONS PROPOSED BY STUDY COMMISSIONS

INTRODUCTION

In recent years a number of constitutional study commissions have prepared "proposed constitutions" for submission to state legislatures or to constitutional conventions for their consideration. Other commissions have proposed extensive amendments but have refrained from drafting an entirely new proposed constitution.

Some of the draft constitutions served as the basis to successful revision efforts, while in other instances revision efforts were rejected. In other cases no action was taken on the draft or action is still pending.

Copies of recent draft constitutions prepared by constitutional convention commissions, in addition to proposals for amendments, will be available in the Convention Library. Of the constitutions printed in this report, the Virginia, Florida, Oregon and Idaho constitutions were drafted by study commissions and submitted to the voters after modification by state legislatures. Draft constitutions were prepared for the use of constitutional conventions in Arkansas, New Mexico and Maryland by constitutional study commissions. The calling of conventions in Rhode Island and Pennsylvania had been preceded by the drafting of proposed constitutions by study commissions.

DRAFT CONSTITUTIONS REFERRED TO CONSTITUTIONAL CONVENTIONS

Arkansas

The Arkansas Constitutional Revision Study Commission prepared a proposed constitution and recommended the calling of a constitutional convention in a 1968 report. The Legislature placed the question of a convention on the November 1968 ballot, and it was approved by the electorate. The convention met in 1969 and 1970. The constitution was placed on the November 1970 ballot, but the voters rejected the document.

Arkansas, Constitution Revision Study Commission. Revising the Arkansas Constitution. January 1, 1968.

Maryland

The Maryland Constitutional Convention Commission created in 1965 prepared a draft constitution for the Maryland constitutional convention which was authorized by the vote of the people September 13, 1966. The convention met in 1967 and 1968 and the constitution proposed by the convention was rejected by the voters in a special election May 14, 1968.

Maryland, Constitutional Convention Commission. Report. August 25, 1967.

Maryland, Constitutional Convention Commission. Constitutional Revision Study Documents. June 15, 1968.

New Mexico

The New Mexico Constitutional Revision Commission created in 1963 recommended in 1967 the calling of a constitutional convention and proposed a draft constitution. The electorate approved calling the convention which met from August 5 through October 20, 1969. On December 9, 1969 the voters rejected the new constitution proposed by the convention.

New Mexico, Constitutional Revision Commission. Report. 1964.

New Mexico, Constitutional Revision Commission. Report. 1967.

Pennsylvania

In Pennsylvania four gubernatorial agencies--Sproul Commission (1920), Earle Committee (1935), Woodside Commission (1959), Scranton Commission (1964)--a private citizens' group, the Committee for State Constitutional Revision (CSCR), and the Pennsylvania Bar Association's "Project Constitution" studied the Pennsylvania constitution and prepared proposed constitutions. The most recent commission, the Governor's Commission on Constitutional Revision, was appointed by Governor Scranton in 1963 after the defeat of a convention call. The Scranton Commission reviewed the work of the prior commissions and the Pennsylvania Bar Association's study. The Scranton study and the Bar Association study provided the basis for the comprehensive amendments approved in May and November of 1966 and May of 1967. The convention that was limited to local government, the judiciary, taxation and finance and legislative

apportionment met from December 1, 1967 through February 29, 1968. The convention proposed five amendments which were approved by the voters on April 23, 1968.

Pennsylvania, The Governor's Commission on Constitutional Revision. Report. January, 1964.

Pennsylvania Bar Association, A Revised Constitution for Pennsylvania. December 17, 1963.

DRAFT CONSTITUTIONS REFERRED TO LEGISLATURES

Delaware

In 1969 the Delaware Constitution Revision Commission proposed a draft constitution. A joint legislative committee revised the document before it was submitted to the legislature. The 1970 legislature passed the constitution which was technically an amendment to the existing constitution. If the 1971 legislature re-enacts the changes the constitution will become effective July 1, 1973.

Delaware, Constitution Revision Commission. Proposed Constitution for the State of Delaware. October, 1969.

Delaware, Constitution Revision Commission. Commentary on the Proposed Constitution. February, 1970.

Florida

The Florida Constitution Revision Commission submitted a draft constitution to the Legislature in January 1967. The Legislature approved a revised draft in July 1968 which was subsequently approved by the voters in November 1968. The revised document was submitted to the voters in three packages: the "basic document"; the suffrage article; the local government article.

Florida, Constitution Revision Commission. Report. January, 1967.

Georgia

In 1970 the Georgia House of Representatives approved a constitution proposed by the Georgia Constitution Revision

Commission, but the proposal died in a Senate committee. A previous draft constitution had been proposed in 1964 by a previous study commission.

Georgia, Constitutional Revision Commission. Report. 1969.

Georgia, Constitution Revision Commission. Proposed Revised Constitution for the State of Georgia. 1964.

Idaho

A draft constitution was prepared by the Idaho Constitutional Revision Commission and submitted to the legislature in November, 1968. The 1970 Idaho Legislature revised the document prepared by the Commission, and placed the new charter on the November, 1970, ballot; it was rejected by the vote of the people.

Idaho, Constitutional Revision Commission. Constitution for the State of Idaho Proposed by the Constitution Revision Commission. November 25, 1968.

Oregon

The 1969 Oregon Legislature modified and placed on a May, 1970 ballot a constitution that had been drafted by a 1962 Commission for Constitutional Revision. The proposed revision was rejected.

Oregon, Commission for Constitutional Revision. A New Constitution for Oregon. December 15, 1962.

Texas

The Texas Constitutional Revision Commission, created in 1967, recommended in a December 1968 report a revised constitution on which the 1969 legislature took no action.

Texas, Constitutional Revision Commission. Report and Recommended Revised Constitution. December, 1968.

CONSTITUTIONS PROPOSED BY STUDY COMMISSIONS

Virginia

The document prepared by the Virginia Commission was modified by the legislature in both 1969 and 1970, and the main body of the constitution plus three separate amendments were approved by the voters at the November, 1970 election.

Virginia, Commission on Constitutional Revision. The Constitution of Virginia. January 1, 1969.

DRAFT ARTICLES REFERRED TO LEGISLATURES

Some study commissions in recent reports have proposed revision by an article-by-article procedure. The following study commissions produced reports during 1969-1970 that recommended draft articles to parts of constitutions:

California

The California Commission, created in 1963, drafted a proposition dealing with the separation of powers, legislative, executive, and judicial articles which was approved by the voters in 1966. A single proposition containing a revision of five additional articles was rejected in November, 1968, but was partially approved as four separate propositions in June, 1970. Four more propositions were passed at the November, 1970 election. These propositions revised the article on civil service, the article on amending the constitution, a miscellaneous article and the repeal of an obsolete article. Final recommendations on twelve separate articles will be presented to the legislature in 1971.

California, Constitution Revision Commission. Proposed Revision of Articles III, IV, V, VI, VII, VIII, XXIV of the California Constitution. February, 1966.

California, Constitutional Revision Commission. Proposed Revision of Articles IX, X, XI, XII, XVII, XVIII of the California Constitution. February, 1968.

California, Proposed Revision of the California Constitution, Part 1. 1970.

California, Proposed Revision of the California Constitution, Articles II, XIV, XV, XXI, XXIII, XXVII, XXXIV, Part 2. 1970.

California, Proposed Revision of the California Constitution, Articles XVI, XX, XXVI, Part 3. 1970.

California, Proposed Revision of the California Constitution, Articles IX, X, Part 4. 1970.

Indiana

The Indiana Constitutional Revision Commission in its 1969 and 1970 reports has recommended a series of comprehensive amendments to the constitution. Three amendments were approved by the voters in 1970 and the legislature has given approval to other recommendations of the commission.

Indiana, Constitutional Revision Commission. Report. 1969.

Indiana, Constitutional Revision Commission. Report. 1970.

Kansas

The Kansas Citizens' Committee on Constitutional Revision report in 1969 recommended changes in each article except the article on finance and taxation. The legislature submitted three amendments recommended by the commission to the voters in November of 1970. The amendments were approved.

Kansas, Citizens' Committee on Constitutional Revision. Report. February, 1969.

North Carolina

The North Carolina Constitutional Study Commission, in its December, 1968 report, recommended extensive revision including ten amendments. The 1969 legislature placed on the November, 1970 ballot an amendment to revise editorially the text of the entire constitution, three amendments that originated with the commission and one endorsed by the commission. All were approved.

North Carolina, State Constitution Study Commission. Report. 1968.

South Carolina

The South Carolina Committee to Make a Study of the South Carolina Constitution of 1895, proposed a draft constitution in the form of seventeen amendments to be substituted for the existing constitution. Five amendments drafted by the committee were placed on the November, 1970 ballot and approved.

South Carolina, Committee to Make a Study of the South Carolina Constitution of 1895. Final Report. June, 1969.

Utah

The Utah Constitution Revision Commission report of 1971, recommended four amendments to the legislative article covering thirty-two sections of the constitution. The Commission will submit further reports.

Utah, Constitution Revision Commission. Report. 1971.

Vermont

The Vermont Constitutional Commission to study the Vermont Constitution in a January, 1971, report, recommended extensive revision of the constitution in the form of sixteen proposals. The legislature will consider the proposals at the 1971 session.

Vermont, Constitutional Commission to Study the Vermont Constitution. Interim Report. 1969.

Washington

The Washington Constitutional Revision Commission final report in June, 1969, recommended eight "model articles" which

dealt with the legislature, the executive, the judiciary, elections, the initiative, referendum and recall, education, local government and amendment and revision. The 1970 legislature took no action on the eight "model articles" proposed by the Commission.

Washington, Constitutional Revision Commission: Final Report. June, 1969.

Constitutional Convention Studies

MONTANA CONSTITUTIONAL CONVENTION

OF THE PEOPLE
BY THE PEOPLE
FOR THE PEOPLE

1971 - 1972